



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1423/P2e

MDK:kjf:cph

(P3)

P - NOTE

By 11:00 AM  
TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

P.M.  
has been  
sup

Regen

1 AN ACT *to repeal* 16.009 (1) (h) and 948.70 (1) (a); *to renumber* 146.31 (1),  
2 185.983 (1) and 804.10 (1); *to renumber and amend* 118.25 (1), 253.01 and  
3 975.001; *to consolidate, renumber and amend* 948.70 (1) (intro.) and (b); *to*  
4 *amend* 15.165 (5) (a) 7., 15.405 (7m), 15.407 (1m), 15.915 (2) (b), 20.927 (1m),  
5 29.193 (3) (a), 30.67 (6) (b), 46.21 (2) (m), 46.245, 46.297 (2) (a), 46.298, 46.87  
6 (5) (a) 1., 49.26 (1) (g) 11., 49.43 (9), 50.09 (1) (a) (intro.), 50.36 (3g) (c), 50.90 (3),  
7 55.043 (1) (b) (intro.), 59.53 (13) (a), 66.0601 (1) (b), 100.43 (3) (c), 106.50 (2r)  
8 (bm) 2., 115.53 (4) (a), 118.29 (1) (e), 146.0255 (2), 146.17, 146.89 (1), 155.05 (2),  
9 157.05, 157.06 (1) (h), 165.765 (2) (a), 252.14 (1) (ar) 4., 252.15 (1) (am), 252.23  
10 (1) (a), 302.10, 302.113 (9g) (c), 302.37 (2), 302.383 (1) (b), 302.40, 343.63 (4),  
11 347.485 (2) (b), 350.155 (2), 441.15 (2) (b), 441.16 (6), 444.10, 445.14, 447.03 (3)  
12 (h), 449.01 (2), 449.02 (2), 450.01 (22), 454.02 (1), 459.035, 560.183 (1) (b),  
13 765.03 (1), 804.10 (3) (a), 880.33 (1), 880.33 (4m) (b) 1., 891.09 (2), 891.40 (1),  
14 891.40 (2), 938.48 (6), 939.615 (6) (e), 967.02 (2), 968.255 (3), 971.14 (2) (g),  
15 971.14 (5) (am) and 990.01 (28); and *to create* 46.27 (1) (bg), 48.02 (14k), 50.01

(4p), 50.49 (1) (d), 51.01 (13m), 69.01 (17m), 77.51 (10m), 95.21 (1) (dm), 101.01 (10m), 118.25 (1) (a), 146.31 (1g), 146.55 (1) (fm), 155.01 (9m), 185.983 (1g), 252.01 (5), 253.01 (2), 301.45 (1d) (q), 343.045, 346.01 (3), 449.01 (5), 450.01 (15m), 454.01 (14m), 632.08 (1) (am), 632.835 (1) (cm), 632.89 (1) (eg), 767.001 (5m), 804.10 (1g), 938.02 (14g), 940.001, 941.315 (1) (c), 948.01 (3o), 975.001 (2), 979.001, 990.01 (25v) and 990.01 (40m) of the statutes; **relating to:** statutory references to physicians and chiropractics.

INSERT 2A

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 15.165 (5) (a) 7. of the statutes is amended to read:

15.165 (5) (a) 7. One member who is a physician, ~~as defined in s. 448.01 (5).~~

**SECTION 2.** 15.405 (7m) of the statutes is amended to read:

15.405 (7m) NURSING HOME ADMINISTRATOR EXAMINING BOARD. There is created a nursing home administrator examining board in the department of regulation and licensing consisting of 9 members appointed for staggered 4-year terms and the secretary of health and family services or a designee, who shall serve as a nonvoting member. Five members shall be nursing home administrators licensed in this state. One member shall be a physician as defined in s. 448.01 (5). One member shall be a nurse licensed under ch. 441. Two members shall be public members. No more than 2 members may be officials or full-time employees of this state.

**SECTION 3.** 15.407 (1m) of the statutes is amended to read:

1           15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is  
2           created a respiratory care practitioners examining council in the department of  
3           regulation and licensing and serving the medical examining board in an advisory  
4           capacity in the formulating of rules to be promulgated by the medical examining  
5           board for the regulation of respiratory care practitioners. The respiratory care  
6           practitioners examining council shall consist of 3 certified respiratory care  
7           practitioners, each of whom shall have engaged in the practice of respiratory care for  
8           at least 3 years preceding appointment, one physician, as defined in s. 448.01 (5), and  
9           one public member. The respiratory care practitioner and physician members shall  
10          be appointed by the medical examining board. The members of the examining  
11          council shall serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply  
12          to the respiratory care practitioners examining council.

13          SECTION 4. 15.915 (2) (b) of the statutes is amended to read:

14          15.915 (2) (b) A representative of local health departments who is not an  
15          employee of the department of health and family services, one physician, as defined  
16          in s. 448.01 (5), representing clinical laboratories, one member representing private  
17          environmental testing laboratories, one member representing occupational health  
18          laboratories and 3 additional members, one of whom shall be a medical examiner or  
19          coroner, appointed for 3-year terms. No member appointed under this paragraph  
20          may be an employee of the laboratory of hygiene.

21          SECTION 5. 16.009 (1) (h) of the statutes is repealed.

22          SECTION 6. 20.927 (1m) of the statutes is amended to read:

23          20.927 (1m) Except as provided under subs. (2) and (3), no funds of this state  
24          or of any county, city, village, town or family care district under s. 46.2895 or of any  
25          subdivision or agency of this state or of any county, city, village or town and no federal

1 funds passing through the state treasury shall be authorized for or paid to a  
2 physician, as defined in s. 448.01 (5), or surgeon or a hospital, clinic or other medical  
3 facility for the performance of an abortion.

4 **SECTION 7.** 29.193 (3) (a) of the statutes is amended to read:

5 29.193 (3) (a) Produces a certificate from a ~~licensed~~ physician, as defined in s.  
6 448.01 (5), or optometrist stating that his or her sight is impaired to the degree that  
7 he or she cannot read ordinary newspaper print with or without corrective glasses.

8 **SECTION 8.** 30.67 (6) (b) of the statutes is amended to read:

9 30.67 (6) (b) In cases of death involving a boat in which the person died within  
10 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be  
11 withdrawn from the body of the decedent within 12 hours after his or her death, by  
12 the coroner or medical examiner or by a physician, as defined in s. 448.01 (5), so  
13 designated by the coroner or medical examiner or by a qualified person at the  
14 direction of the physician. All morticians shall obtain a release from the coroner or  
15 medical examiner prior to proceeding with embalming any body coming under the  
16 scope of this section. The blood so drawn shall be forwarded to a laboratory approved  
17 by the state health officer for analysis of the alcoholic content of the blood specimen.  
18 The coroner or medical examiner causing the blood to be withdrawn shall be notified  
19 of the results of each analysis made and shall forward the results of each analysis  
20 to the state health officer. The state health officer shall keep a record of all  
21 examinations to be used for statistical purposes only. The cumulative results of the  
22 examinations, without identifying the individuals involved, shall be disseminated  
23 and made public by the state health officer. The department shall reimburse  
24 coroners and medical examiners for the costs incurred in submitting reports and

1 taking blood specimens and laboratories for the costs incurred in analyzing blood  
2 specimens under this section.

3 **SECTION 9.** 46.21 (2) (m) of the statutes is amended to read:

4 46.21 (2) (m) May establish and maintain in connection with such county  
5 hospital, an emergency unit or department for the treatment, subject to such rules  
6 as may be prescribed by the county board of supervisors, of persons in the county who  
7 may meet with accidents or be suddenly afflicted with illness not contagious;  
8 provided that medical care and treatment shall only be furnished in such unit or  
9 department until such time as the patient may be safely removed to another hospital  
10 or to his or her place of abode, or regularly admitted to the county hospital. The  
11 county board of supervisors may also contract with any private hospital or nonprofit  
12 hospital within the county for the use of its facilities and for medical service to be  
13 furnished by a licensed physician, or physicians, as defined in s. 448.01 (5), to  
14 patients who require emergency medical treatment or first aid as a result of any  
15 accident, injury or sudden affliction of illness occurring within the county, except  
16 that reasonable compensation may only be authorized until the patient is regularly  
17 admitted as an inpatient or safely removed to another hospital or to his place of  
18 abode. In this paragraph, "hospital" includes, without limitation due to  
19 enumeration, public health centers, medical facilities and general, tuberculosis,  
20 mental, chronic disease and other types of hospitals and related facilities, such as  
21 laboratories, outpatient departments, nurses' home and training facilities, and  
22 central service facilities operated in connection with hospitals. In this paragraph,  
23 "hospital" does not include any hospital furnishing primarily domiciliary care. In  
24 this paragraph "nonprofit hospital" means any hospital owned and operated by a

1 corporation or association, no part of the net earnings of which inures, or may  
2 lawfully inure, to the benefit of any private shareholder or individual.

3 **SECTION 10.** 46.245 of the statutes is amended to read:

4 **46.245 Information for certain pregnant women.** Upon request, a county  
5 department under s. 46.215, 46.22 or 46.23 shall distribute the materials described  
6 under s. 253.10 (3) (d), as prepared and distributed by the department. A physician,  
7 as defined in s. 448.01 (5), who intends to perform or induce an abortion or another  
8 qualified physician, as defined in s. 253.10 (2) (g), who reasonably believes that he  
9 or she might have a patient for whom the information under s. 253.10 (3) (d) is  
10 required to be given, shall request a reasonably adequate number of the materials  
11 from the county department under this section or from the department under s.  
12 253.10 (3) (d). An individual may request a reasonably adequate number of the  
13 materials.

14 **SECTION 11.** 46.27 (1) (bg) of the statutes is created to read:

15 46.27 (1) (bg) “Physician” has the meaning given in s. 448.01 (5).

16 **SECTION 12.** 46.297 (2) (a) of the statutes is amended to read:

17 46.297 (2) (a) The person is certified as deaf or severely hearing impaired by  
18 a physician, as defined in s. 448.01 (5), an audiologist licensed under subch. II of ch.  
19 459, or the department.

20 **SECTION 13.** 46.298 of the statutes is amended to read:

21 **46.298 Vehicle sticker for the hearing impaired.** Upon the request of a  
22 person who is certified as hearing impaired by the department, by a physician, as  
23 defined in s. 448.01 (5), by a hearing instrument specialist licensed under subch. I  
24 of ch. 459 or by an audiologist licensed under subch. II of ch. 459, the department  
25 shall issue to the person a decal or sticker for display on a motor vehicle owned or

1 frequently operated by the person to apprise law enforcement officers of the fact that  
2 the vehicle is owned or operated by a hearing-impaired person. No charge shall be  
3 made for issuance of the decal or sticker. The department shall specify the design  
4 of the decal or sticker. The department shall designate the location on the vehicle  
5 at which the decal or sticker shall be affixed by its own adhesive.

6 **SECTION 14.** 46.87 (5) (a) 1. of the statutes is amended to read:

7 46.87 (5) (a) 1. At least one member of the household must be a person who has  
8 been diagnosed by a physician, as defined in s. 448.01 (5), as having Alzheimer's  
9 disease.

10 **SECTION 15.** 48.02 (14k) of the statutes is created to read:

11 48.02 (14k) "Physician" has the meaning given in s. 448.01 (5).

12 **SECTION 16.** 49.26 (1) (g) 11. of the statutes is amended to read:

13 49.26 (1) (g) 11. If the individual is the mother of a child, a physician, as defined  
14 in s. 448.01 (5), has not determined that the individual should delay her return to  
15 school after giving birth.

16 **SECTION 17.** 49.43 (9) of the statutes is amended to read:

17 49.43 (9) "Physician" ~~means a person licensed to practice medicine and surgery,~~  
18 ~~and includes graduates of osteopathic colleges holding an unlimited license to~~  
19 ~~practice medicine and surgery~~ has the meaning given in s. 448.01 (5).

20 **SECTION 18.** 50.01 (4p) of the statutes is created to read:

21 50.01 (4p) "Physician" has the meaning given in s. 448.01 (5).

22 **SECTION 19.** 50.09 (1) (a) (intro.) of the statutes is amended to read:

23 50.09 (1) (a) (intro.) Private and unrestricted communications with the  
24 resident's family, physician, chiropractor, attorney and any other person, unless  
25 medically contraindicated as documented by the resident's physician in the

1 resident's medical record, except that communications with public officials or with  
2 the resident's attorney shall not be restricted in any event. The right to private and  
3 unrestricted communications shall include, but is not limited to, the right to:

4 **SECTION 20.** 50.36 (3g) (c) of the statutes is amended to read:

5 50.36 (3g) (c) If a hospital grants a psychologist hospital staff privileges or  
6 limited hospital staff privileges under par. (b), the psychologist or the hospital shall,  
7 prior to or at the time of hospital admission of a patient, identify an appropriate  
8 physician, as defined in s. 448.01 (5), with admitting privileges at the hospital who  
9 shall be responsible for the medical evaluation and medical management of the  
10 patient for the duration of his or her hospitalization.

11 **SECTION 21.** 50.49 (1) (d) of the statutes is created to read:

12 50.49 (1) (d) "Physician" has the meaning given in s. 448.01 (5).

13 **SECTION 22.** 50.90 (3) of the statutes is amended to read:

14 50.90 (3) "Palliative care" means management and support provided for the  
15 reduction or abatement of pain, for other physical symptoms and for psychosocial or  
16 spiritual needs of individuals with terminal illness and includes ~~physician~~ services  
17 provided by a physician, skilled nursing care, medical social services, services of  
18 volunteers, and bereavement services. "Palliative care" does not mean treatment  
19 provided in order to cure a medical condition or disease or to artificially prolong life.

20 **SECTION 23.** 51.01 (13m) of the statutes is created to read:

21 51.01 (13m) "Physician" has the meaning given in s. 448.01 (5).

22 **SECTION 24.** 55.043 (1) (b) (intro.) of the statutes is amended to read:

23 55.043 (1) (b) (intro.) The county protective services agency may transport the  
24 vulnerable adult for performance of a medical examination by a physician, as defined  
25 in s. 448.01 (5), if any of the following applies:



1           **SECTION 25.** 59.53 (13) (a) of the statutes is amended to read:

2           59.53 (13) (a) No county, or agency or subdivision of the county, may authorize  
3 funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a hospital,  
4 clinic or other medical facility for the performance of an abortion except those  
5 permitted under and which are performed in accordance with s. 20.927.

6           **SECTION 26.** 66.0601 (1) (b) of the statutes is amended to read:

7           66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family  
8 care district under s. 46.2895 or agency or subdivision of a city, village or town may  
9 authorize funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a  
10 hospital, clinic or other medical facility for the performance of an abortion except  
11 those permitted under and which are performed in accordance with s. 20.927.

12           **SECTION 27.** 69.01 (17m) of the statutes is created to read:

13           69.01 (17m) “Physician” has the meaning given in s. 448.01 (5).

14           **SECTION 28.** 77.51 (10m) of the statutes is created to read:

15           77.51 (10m) “Physician” has the meaning given in s. 448.01 (5).

16           **SECTION 29.** 95.21 (1) (dm) of the statutes is created to read:

17           95.21 (1) (dm) “Physician” has the meaning given in s. 448.01 (5).

18           **SECTION 30.** 100.43 (3) (c) of the statutes is amended to read:

19           100.43 (3) (c) A household substance, subject to special packaging standards,  
20 which is dispensed pursuant to a prescription of a physician, as defined in s. 448.01  
21 (5), dentist, or other licensed medical practitioner may be sold in conventional or  
22 noncomplying packages when directed in such prescription or requested by the  
23 purchaser.

24           **SECTION 31.** 101.01 (10m) of the statutes is created to read:

25           101.01 (10m) “Physician” has the meaning given in s. 448.01 (5).

1           **SECTION 32.** 106.50 (2r) (bm) 2. of the statutes is amended to read:

2           106.50 (2r) (bm) 2. Subdivision 1. does not apply in the case of the rental of  
3 owner-occupied housing if the owner or a member of his or her immediate family  
4 occupying the housing possesses and, upon request, presents to the individual a  
5 certificate signed by a physician, as defined in s. 448.01 (5), which states that the  
6 owner or family member is allergic to the type of animal the individual possesses.

7           **SECTION 33.** 115.53 (4) (a) of the statutes is amended to read:

8           115.53 (4) (a) The application shall be accompanied by the report of a physician,  
9 as defined in s. 448.01 (5), appointed by the director of the Wisconsin Educational  
10 Services Program for the Deaf and Hard of Hearing or the director of the Wisconsin  
11 Center for the Blind and Visually Impaired and shall be in the same form as reports  
12 of other physicians for admission of patients to such hospital.

13           **SECTION 34.** ~~118.25 (1)~~ of the statutes is renumbered 118.25 (1) (intro.) and  
14 amended to read:

15           118.25 (1) (intro.) In this section "school employee":

16           (b) "School employee" means a person employed by a school board who comes  
17 in contact with children or who handles or prepares food for children while they are  
18 under the supervision of school authorities.

19           **SECTION 35.** ~~118.25 (1)~~ (a) of the statutes is created to read:

20           118.25 (1) (a) "Physician" has the meaning given in s. 448.01 (5).

21           **SECTION 36.** ~~118.29~~ (1) (e) of the statutes is amended to read:

22           118.29 (1) (e) "Practitioner" means any physician, as defined in s. 448.01 (5),  
23 dentist, optometrist, physician assistant, advanced practice nurse prescriber, or  
24 podiatrist licensed in any state.

25           **SECTION 37.** ~~146.0255~~ (2) of the statutes is amended to read:

1           146.0255 (2) TESTING. Any hospital employee who provides health care, social  
2 worker or intake worker under ch. 48 may refer an infant or an expectant mother of  
3 an unborn child, as defined in s. 48.02 (19), to a physician, as defined in s. 448.01 (5),  
4 for testing of the bodily fluids of the infant or expectant mother for controlled  
5 substances or controlled substance analogs if the hospital employee who provides  
6 health care, social worker or intake worker suspects that the infant or expectant  
7 mother has controlled substances or controlled substance analogs in the bodily fluids  
8 of the infant or expectant mother because of the use of controlled substances or  
9 controlled substance analogs by the mother while she was pregnant with the infant  
10 or by the expectant mother while she is pregnant with the unborn child. The  
11 physician may test the infant or expectant mother to ascertain whether or not the  
12 infant or expectant mother has controlled substances or controlled substance  
13 analogs in the bodily fluids of the infant or expectant mother, if the physician  
14 determines that there is a serious risk that there are controlled substances or  
15 controlled substance analogs in the bodily fluids of the infant or expectant mother  
16 because of the use of controlled substances or controlled substance analogs by the  
17 mother while she was pregnant with the infant or by the expectant mother while she  
18 is pregnant with the unborn child and that the health of the infant, the unborn child  
19 or the child when born may be adversely affected by the controlled substances or  
20 controlled substance analogs. If the results of the test indicate that the infant does  
21 have controlled substances or controlled substance analogs in the infant's bodily  
22 fluids, the physician shall make a report under s. 46.238. If the results of the test  
23 indicate that the expectant mother does have controlled substances or controlled  
24 substance analogs in the expectant mother's bodily fluids, the physician may make

1 a report under s. 46.238. Under this subsection, no physician may test an expectant  
2 mother without first receiving her informed consent to the testing.

3 ~~SECTION 38.~~ 146.17 of the statutes is amended to read:

4 **146.17 Limitations.** Nothing in the statutes shall be construed to authorize  
5 interference with the individual's right to select his or her own physician, as defined  
6 in s. 448.01 (5), or mode of treatment, nor as a limitation upon the municipality to  
7 enact measures in aid of health administration, consistent with statute and acts of  
8 the department.

9 ~~SECTION 39.~~ 146.31 (1) of the statutes is renumbered 146.31 (1r).

10 ~~SECTION 40.~~ 146.31 (1g) of the statutes is created to read:

11 146.31 (1g) In this section, "physician" has the meaning given in s. 448.01 (5).

12 ~~SECTION 41.~~ 146.55 (1) (fm) of the statutes is created to read:

13 146.55 (1) (fm) "Physician" has the meaning given in s. 448.01 (5).

14 ~~SECTION 42.~~ 146.89 (1) of the statutes is amended to read:

15 146.89 (1) In this section, "volunteer health care provider" means an individual  
16 who is ~~licensed as a physician under ch. 448,~~ or who is licensed as a dentist under  
17 ch. 447, registered nurse, practical nurse or nurse-midwife under ch. 441,  
18 optometrist under ch. 449 or physician assistant under ch. 448 or certified as a  
19 dietitian under subch. V of ch. 448 and who receives no income from the practice of  
20 that health care profession or who receives no income from the practice of that health  
21 care profession when providing services at the nonprofit agency specified under sub.  
22 (3).

23 ~~SECTION 43.~~ 155.01 (9m) of the statutes is created to read:

24 155.01 (9m) "Physician" has the meaning given in s. 448.01 (5).

25 ~~SECTION 44.~~ 155.05 (2) of the statutes is amended to read:

1           155.05 (2) Unless otherwise specified in the power of attorney for health care  
2 instrument, an individual's power of attorney for health care takes effect upon a  
3 finding of incapacity by 2 physicians, as defined in s. 448.01 (5), or one physician and  
4 one licensed psychologist, as defined in s. 455.01 (4), who personally examine the  
5 principal and sign a statement specifying that the principal has incapacity. Mere old  
6 age, eccentricity or physical disability, either singly or together, are insufficient to  
7 make a finding of incapacity. Neither of the individuals who make a finding of  
8 incapacity may be a relative of the principal or have knowledge that he or she is  
9 entitled to or has a claim on any portion of the principal's estate. A copy of the  
10 statement, if made, shall be appended to the power of attorney for health care  
11 instrument.

12           ~~SECTION 45.~~ 157.05 of the statutes is amended to read:

13           **157.05 Autopsy.** Consent for a licensed physician, as defined in s. 448.01 (5),  
14 to conduct an autopsy on the body of a deceased person shall be deemed sufficient  
15 when given by whichever one of the following assumes custody of the body for  
16 purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in  
17 the absence of any of the foregoing, a friend, or a person charged by law with the  
18 responsibility for burial. If 2 or more such persons assume custody of the body, the  
19 consent of one of them shall be deemed sufficient.

20           ~~SECTION 46.~~ 157.06 (1) (h) of the statutes is amended to read:

21           157.06 (1) (h) "Physician" ~~means~~ has the meaning given in s. 448.01 (5), and  
22 also includes an individual licensed or otherwise authorized to practice medicine and  
23 surgery or osteopathy and surgery under the laws of any state.

24           **SECTION 47.** 165.765 (2) (a) of the statutes is amended to read:

INSERT 14-8

1 165.765 (2) (a) Any physician, as defined in s. 448.01 (5), registered nurse,  
2 medical technologist, physician assistant or person acting under the direction of a  
3 physician who obtains a biological specimen under s. 165.76, 938.34 (15), 973.047 or  
4 980.063 is immune from any civil or criminal liability for the act, except for civil  
5 liability for negligence in the performance of the act.

6 ~~SECTION 48.~~ 185.983 (1) of the statutes is renumbered 185.983 (1r).

7 ~~SECTION 49.~~ 185.983 (1g) of the statutes is created to read:

8 185.983 (1g) "Physician" has the meaning given in s. 448.01 (5).

9 ~~SECTION 50.~~ <sup>insert 14-8 here</sup> 252.01 (5) of the statutes is created to read:

10 252.01 (5) "Physician" has the meaning given in s. 448.01 (5).

11 ~~SECTION 51.~~ 252.14 (1) (ar) 4. of the statutes is amended to read:

12 252.14 (1) (ar) 4. A physician ~~licensed under subch. II of ch. 448.~~

13 ~~SECTION 52.~~ 252.15 (1) (am) of the statutes is amended to read:

14 252.15 (1) (am) "Health care professional" means a physician ~~who is licensed~~  
15 ~~under ch. 448~~ or a registered nurse or licensed practical nurse who is licensed under  
16 ch. 441.

17 ~~SECTION 53.~~ 252.23 (1) (a) of the statutes is amended to read:

18 252.23 (1) (a) "Tattoo" has the meaning given in s. 948.70 (1) (b).

19 ~~SECTION 54.~~ 253.01 of the statutes is renumbered 253.01 (intro.) and amended  
20 to read:

21 **253.01 (intro.) Definition Definitions.** In this chapter, ~~"division":~~

22 (1) "Division" means the division within the department that has primary  
23 responsibility for health issues.

24 ~~SECTION 55.~~ 253.01 (2) of the statutes is created to read:

25 253.01 (2) "Physician" has the meaning given in s. 448.01 (5).

1  
INSERT 14-25

1        ~~SECTION 56.~~ 301.45 (1d) (q) of the statutes is created to read:

2        301.45 (1d) (q) “Physician” has the meaning given in s. 448.01 (5).

3        ~~SECTION 57.~~ 302.10 of the statutes is amended to read:

4        **302.10 Solitary confinement.** For violation of the rules of the prison an  
5 inmate may be confined to a solitary cell, under the care and advice of the physician,  
6 as defined in s. 448.01 (5).

7        ~~SECTION 58.~~ 302.113 (9g) (c) of the statutes is amended to read:

8        302.113 (9g) (c) An inmate who meets the criteria under par. (b) may submit  
9 a petition to the program review committee at the correctional institution in which  
10 the inmate is confined requesting a modification of the inmate’s bifurcated sentence  
11 in the manner specified in par. (f). If the inmate alleges in the petition that he or she  
12 has a terminal condition, the inmate shall attach to the petition affidavits from 2  
13 physicians, as defined in s. 448.01 (5), setting forth a diagnosis that the inmate has  
14 a terminal condition.

15        ~~SECTION 59.~~ 302.37 (2) of the statutes is amended to read:

16        302.37 (2) Neither the sheriff or other keeper of any jail nor any other person  
17 shall give, sell or deliver to any prisoner for any cause whatever any alcohol  
18 beverages unless a physician, as defined in s. 448.01 (5), certifies in writing that the  
19 health of the prisoner requires it, in which case the prisoner may be allowed the  
20 quantity prescribed.

21        ~~SECTION 60.~~ 302.383 (1) (b) of the statutes is amended to read:

22        302.383 (1) (b) Ensure that the prisoner has been fully informed about his or  
23 her treatment needs, the mental health services available to him or her and his or  
24 her rights under ch. 51, and ensure that the prisoner has had an opportunity to  
25 discuss his or her needs, the services available to him or her and his or her rights with

1 a licensed physician, as defined in s. 448.01 (5), licensed psychologist, or other mental  
2 health professional.

3 ~~SECTION 61.~~ 302.40 of the statutes is amended to read:

4 **302.40 Discipline; solitary confinement.** For violating the rules of the jail,  
5 an inmate may be kept in solitary confinement, under the care and advice of a  
6 physician, as defined in s. 448.01 (5), but not over 10 days.

7 ~~SECTION 62.~~ 343.045 of the statutes is created to read:

8 **343.045 Definition.** In this subchapter, “physician” has the meaning given  
9 in s. 448.01 (5).

10 ~~SECTION 63.~~ 343.63 (4) of the statutes is amended to read:

11 343.63 (4) The applicant shall submit with his or her application a statement  
12 completed by a registered physician showing that in the physician’s judgment the  
13 applicant is physically fit to teach driving.

14 ~~SECTION 64.~~ 346.01 (3) of the statutes is created to read:

15 346.01 (3) In this chapter, “physician” has the meaning given in s. 448.01 (5).

16 ~~SECTION 65.~~ 347.485 (2) (b) of the statutes is amended to read:

17 347.485 (2) (b) Except for photosensitive corrective glasses prescribed by an  
18 ophthalmologist, physician, as defined in s. 448.01 (5), oculist or optometrist, eye  
19 protection worn during hours of darkness may not be tinted or darkened.

20 ~~SECTION 66.~~ 350.155 (2) of the statutes is amended to read:

21 350.155 (2) In cases of death involving a snowmobile in which the decedent died  
22 within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be  
23 withdrawn from the body of the decedent within 12 hours after death, by the coroner  
24 or medical examiner or by a physician, as defined in s. 448.01 (5), so designated by  
25 the coroner or medical examiner or by a qualified person at the direction of such



1 physician. All funeral directors shall obtain a release from the coroner or medical  
2 examiner prior to proceeding with embalming any body coming under the scope of  
3 this section. The blood so drawn shall be forwarded to a laboratory approved by the  
4 department of health and family services for analysis of the alcoholic content of such  
5 blood specimen. The coroner or medical examiner causing the blood to be withdrawn  
6 shall be notified of the results of each analysis made and shall forward the results  
7 of each such analysis to the department of health and family services. The  
8 department of health and family services shall keep a record of all such examinations  
9 to be used for statistical purposes only. The cumulative results of the examinations,  
10 without identifying the individuals involved, shall be disseminated and made public  
11 by the department of health and family services. The department shall reimburse  
12 coroners and medical examiners for the costs incurred in submitting reports and  
13 taking blood specimens and laboratories for the costs incurred in analyzing blood  
14 specimens under this section.

INSERT 17-14

15 **SECTION 67.** 441.15 (2) (b) of the statutes is amended to read:

16 441.15 (2) (b) The practice occurs in a health care facility approved by the board  
17 by rule under sub. (3) (c), in collaboration with a physician, as defined in s. 448.01  
18 (5), with postgraduate training in obstetrics, and pursuant to a written agreement  
19 with that physician.

20 **SECTION 68.** 441.16 (6) of the statutes is amended to read:

21 441.16 (6) Nothing in this section prohibits a nurse from issuing a prescription  
22 order as an act delegated by a physician, as defined in s. 448.01 (5).

23 **SECTION 69.** 444.10 of the statutes is amended to read:

24 **444.10 Physician to examine contestants.** Prior to entering the ring, each  
25 contestant must be examined by a physician, as defined in s. 448.01 (5), who has been

1 licensed to practice in Wisconsin not less than 5 years and who is appointed by the  
2 department and certifies in writing, over his or her signature, as to the contestant's  
3 physical and mental fitness to engage in such contest.

4 **SECTION ~~70~~<sup>#</sup>.** 445.14 of the statutes is amended to read:

5 **445.14 Funeral directors; who to employ.** No public officer, employee or  
6 officer of any public institution, physician ~~or surgeon~~, as defined in s. 448.01 (5), shall  
7 send, or cause to be sent, to any funeral director, the corpse of any deceased person,  
8 without having first made due inquiry as to the desires of the next of kin, or any  
9 persons who may be chargeable with the funeral expenses of such deceased person,  
10 and if any such kin or person is found, his or her authority or direction shall be  
11 received as to the disposal of such corpse.

12 **SECTION ~~71~~<sup>#</sup>.** 447.03 (3) (h) of the statutes is amended to read:

13 447.03 (3) (h) A physician ~~or surgeon licensed in this state~~, as defined in s.  
14 448.01 (5), who extracts teeth, or operates upon the palate or maxillary bones and  
15 investing tissues, or who administers anesthetics, either general or local.

16 **SECTION ~~72~~<sup>#</sup>.** 449.01 (2) of the statutes is amended to read:

17 **449.01 (2) DISPENSING OPTICIANS.** A dispensing optician is one who practices  
18 optical dispensing. The practice of optical dispensing comprises the taking of  
19 necessary facial measurements and the processing, fitting and adjusting of  
20 mountings, frames, lenses and kindred products in the filling of prescriptions of ~~duly~~  
21 ~~licensed~~ physicians or optometrists for ophthalmic lenses. Duplications,  
22 replacements or reproductions not requiring optometric service may be done without  
23 prescription. Nothing herein contained shall change the responsibility of physician  
24 to patient, or optometrist to patient.

25 **SECTION 73.** 449.01 (5) of the statutes is created to read:

1           449.01 (5) PHYSICIAN. In this chapter, “physician” has the meaning given in s.  
2           448.01 (5).

3           ~~SECTION 74.~~ 449.02 (2) of the statutes is amended to read:

4           449.02 (2) This section shall not apply to physicians and surgeons duly licensed  
5           as such in Wisconsin nor shall this section apply to the sale of spectacles containing  
6           simple lenses of a plus power only at an established place of business incidental to  
7           other business conducted therein, without advertising other than price marking on  
8           the spectacles, if no attempt is made to test the eyes. The term “simple lens” shall  
9           not include bifocals.

10          ~~SECTION 75.~~ 450.01 (15m) of the statutes is created to read:

11          450.01 (15m) “Physician” has the meaning given in s. 448.01 (5).

12          ~~SECTION 76.~~ 450.01 (22) of the statutes is amended to read:

13          450.01 (22) “Vaccination protocol” means a written protocol agreed to by a  
14          physician, as defined in s. 448.01 (5), and a pharmacist that establishes procedures  
15          and record-keeping and reporting requirements for the administration of a vaccine  
16          by a pharmacist for a period specified in the protocol that may not exceed 2 years.

17          ~~SECTION 77.~~ 454.01 (14m) of the statutes is created to read:

18          454.01 (14m) “Physician” has the meaning given in s. 448.01 (5).

19          ~~SECTION 78.~~ 454.02 (1) of the statutes is amended to read:

20          454.02 (1) Licenses to practice barbering or cosmetology do not confer the right  
21          to diagnose, prescribe for or treat diseases or conditions except as indicated in the  
22          definition of barbering or cosmetology in s. 454.01 (5) or under the direction of a  
23          licensed and practicing physician.

24          ~~SECTION 79.~~ 459.035 of the statutes is amended to read:

1           **459.035 Medical exam before being fitted.** A hearing aid shall not be fitted  
2 for or sold to a child 16 years of age or younger unless within 90 days prior to the  
3 fitting the person to be fitted has been examined by a physician, as defined in s.  
4 448.01 (5), to determine whether or not he or she has any physical deficiencies that  
5 would prohibit the effective use of a hearing aid.

6           ~~SECTION 80.~~ 560.183 (1) (b) of the statutes is amended to read:  
7           560.183 (1) (b) "Physician" means a physician, as defined in s. 448.01 (5), who  
8 specializes in family practice, general internal medicine, general pediatrics,  
9 obstetrics and gynecology, or psychiatry.

10          ~~SECTION 81.~~ 632.88 (1) (am) of the statutes is created to read:  
11          632.88 (1) (am) In this subsection, "physician" has the meaning given in s.  
12 448.01 (5). <sup>68</sup>

13          ~~SECTION 82.~~ 632.835 (1) (cm) of the statutes is created to read:  
14          632.835 (1) (cm) In this subsection, "physician" has the meaning given in s.  
15 448.01 (5).

16          ~~SECTION 83.~~ 632.89 (1) (eg) of the statutes is created to read:  
17          632.89 (1) (eg) In this subsection, "physician" has the meaning given in s.  
18 448.01 (5). <sup>INSERT 20-15</sup>

19          ~~SECTION 84.~~ 765.03 (1) of the statutes is amended to read:  
20          765.03 (1) No marriage shall be contracted while either of the parties has a  
21 husband or wife living, nor between persons who are nearer of kin than 2nd cousins  
22 except that marriage may be contracted between first cousins where the female has  
23 attained the age of 55 years or where either party, at the time of application for a  
24 marriage license, submits an affidavit signed by a physician, as defined in s. 448.01  
25 (5), stating that either party is permanently sterile. Relationship under this section

1 shall be computed by the rule of the civil law, whether the parties to the marriage are  
2 of the half or of the whole blood. A marriage may not be contracted if either party  
3 has such want of understanding as renders him or her incapable of assenting to  
4 marriage.

5 ~~SECTION 85.~~ <sup>##</sup> 767.001 (5m) of the statutes is created to read:

6 767.001 (5m) "Physician" has the meaning given in s. 448.01 (5).

7 ~~SECTION 86.~~ <sup>##</sup> 804.10 (1) of the statutes is renumbered 804.10 (1r).

8 ~~SECTION 87.~~ <sup>##</sup> 804.10 (1g) of the statutes is created to read:

9 804.10 (1g) In this section, "physician" has the meaning given in s. 448.01 (5).

10 ~~SECTION 88.~~ <sup>##</sup> 804.10 (3) (a) of the statutes is amended to read:

11 804.10 (3) (a) No evidence obtained by an adverse party by a court-ordered  
12 examination under sub. (1) (1r) or inspection under sub. (2) shall be admitted upon  
13 the trial by reference or otherwise unless true copies of all reports prepared pursuant  
14 to such examination or inspection and received by such adverse party have been  
15 delivered to the other party or attorney not later than 10 days after the reports are  
16 received by the adverse party. The party claiming damages shall deliver to the  
17 adverse party, in return for copies of reports based on court-ordered examination or  
18 inspection, a true copy of all reports of each person who has examined or treated the  
19 claimant with respect to the injuries for which damages are claimed.

20 ~~SECTION 89.~~ <sup>##</sup> 880.33 (1) of the statutes is amended to read:

21 880.33 (1) Whenever it is proposed to appoint a guardian on the ground of  
22 incompetency, a licensed physician, as defined in s. 448.01 (5), or licensed  
23 psychologist, or both, shall furnish a written statement concerning the mental  
24 condition of the proposed ward, based upon examination. The privilege under s.  
25 905.04 shall not apply to this statement. A copy of the statement shall be provided

1 to the proposed ward, guardian ad litem and attorney. Prior to the examination,  
2 under this subsection, of a person alleged to be not competent to refuse psychotropic  
3 medication under s. 880.07 (1m), the person shall be informed that his or her  
4 statements may be used as a basis for a finding of incompetency and an order for  
5 protective services, including psychotropic medication. The person shall also be  
6 informed that he or she has a right to remain silent and that the examiner is required  
7 to report to the court even if the person remains silent. The issuance of such a  
8 warning to the person prior to each examination establishes a presumption that the  
9 person understands that he or she need not speak to the examiner.

10 ~~SECTION 90.~~ 880.33 (4m) (b) 1. of the statutes is amended to read:

11 880.33 (4m) (b) 1. Order the appropriate county department under s. 46.23,  
12 51.42 or 51.437 to develop or furnish, to provide to the ward, and to submit to the  
13 court, a treatment plan specifying the protective services, including psychotropic  
14 medication as ordered by the treating physician, as defined in s. 448.01 (5), that the  
15 proposed ward should receive.

16 ~~SECTION 91.~~ 891.09 (2) of the statutes is amended to read:

17 891.09 (2) CHURCH AND DOCTOR'S RECORDS. Any church, parish or baptismal  
18 record, and any record of a physician, as defined in s. 448.01 (5), or a person  
19 authorized to solemnize marriages, in which record are preserved the facts relating  
20 to any birth, stillbirth, fetal death, marriage or death, including the names of the  
21 persons, dates, places and other material facts, may be admitted as prima facie  
22 evidence of any fact aforesaid. But such record must be produced by its proper  
23 custodian and be supported by the custodian's oath that it is such a record as it  
24 purports to be and is genuine to the best of the custodian's knowledge and belief.

25 ~~SECTION 92.~~ 891.40 (1) of the statutes is amended to read:

1           891.40 (1) If, under the supervision of a licensed physician, as defined in s.  
2           448.01 (5), and with the consent of her husband, a wife is inseminated artificially  
3           with semen donated by a man not her husband, the husband of the mother at the time  
4           of the conception of the child shall be the natural father of a child conceived. The  
5           husband's consent must be in writing and signed by him and his wife. The physician  
6           shall certify their signatures and the date of the insemination, and shall file the  
7           husband's consent with the department of health and family services, where it shall  
8           be kept confidential and in a sealed file except as provided in s. 46.03 (7) (bm).  
9           However, the physician's failure to file the consent form does not affect the legal  
10          status of father and child. All papers and records pertaining to the insemination,  
11          whether part of the permanent record of a court or of a file held by the supervising  
12          physician or elsewhere, may be inspected only upon an order of the court for good  
13          cause shown.

14          SECTION ~~93.~~ 891.40 (2) of the statutes is amended to read:

15          891.40 (2) The donor of semen provided to a licensed physician, as defined in  
16          s. 448.01 (5), for use in artificial insemination of a woman other than the donor's wife  
17          is not the natural father of a child conceived, bears no liability for the support of the  
18          child and has no parental rights with regard to the child.

19          SECTION ~~94.~~ 938.02 (14g) of the statutes is created to read:

20          938.02 (14g) "Physician" has the meaning given in s. 448.01 (5).

21          SECTION ~~95.~~ 938.48 (6) of the statutes is amended to read:

22          938.48 (6) Consent to emergency surgery under the direction of a licensed  
23          physician or surgeon for any juvenile under its supervision under s. 938.183, 938.34  
24          (4h), (4m) or (4n) or 938.357 (4) upon notification by a licensed physician or surgeon  
25          of the need for such surgery and if reasonable effort, compatible with the nature and

1 time limitation of the emergency, has been made to secure the consent of the  
2 juvenile's parent or guardian.

3 **SECTION ~~96~~ 939.615** (6) (e) of the statutes is amended to read:

4 939.615 (6) (e) A person filing a petition requesting termination of lifetime  
5 supervision who is entitled to a hearing under par. (d) 2. shall be examined by a  
6 person who is either a physician, as defined in s. 448.01 (5), or a psychologist licensed  
7 under ch. 455 and who is approved by the court. The physician or psychologist who  
8 conducts an examination under this paragraph shall prepare a report of his or her  
9 examination that includes his or her opinion of whether the person petitioning for  
10 termination of lifetime supervision is a danger to public. The physician or  
11 psychologist shall file the report of his or her examination with the court within 60  
12 days after completing the examination, and the court shall provide copies of the  
13 report to the person filing the petition and the district attorney who received a copy  
14 of the person's petition under par. (c). The contents of the report shall be confidential  
15 until the physician or psychologist testifies at a hearing under par. (f). The person  
16 petitioning for termination of lifetime supervision shall pay the cost of an  
17 examination required under this paragraph.

18 **SECTION ~~97~~ 940.001** of the statutes is created to read:

19 **940.001 Definition.** In this subchapter, "physician" has the meaning given  
20 in s. 448.01 (5).

21 **SECTION ~~98~~ 941.315** (1) (c) of the statutes is created to read:

22 941.315 (1) (c) "Physician" has the meaning given in s. 448.01 (5).

23 **SECTION ~~99~~ 948.01** (3o) of the statutes is created to read:

24 948.01 (3o) "Physician" has the meaning given in s. 448.01 (5).



1           SECTION ~~100~~<sup>11</sup>. 948.70 (1) (intro.) and (b) of the statutes are consolidated,  
2           renumbered 948.70 (1) and amended to read:

3           948.70 (1) In this section: (b) ~~"Tattoo"~~, "tattoo" means to insert pigment under  
4           the surface of the skin of a person, by pricking with a needle or otherwise, so as to  
5           produce an indelible mark or figure through the skin.

6           SECTION ~~101~~<sup>11</sup>. 948.70 (1) (a) of the statutes is repealed.

7           SECTION ~~102~~<sup>11</sup>. 967.02 (2) of the statutes is amended to read:

8           967.02 (2) "Department" means the department of corrections, except as  
9           provided in s. 975.001 (1).

10          SECTION ~~103~~<sup>11</sup>. 968.255 (3) of the statutes is amended to read:

11          968.255 (3) No person other than a physician, as defined in s. 448.01 (5),  
12          physician assistant or registered nurse licensed to practice in this state may conduct  
13          a body cavity search.

14          SECTION ~~104~~<sup>11</sup>. 971.14 (2) (g) of the statutes is amended to read:

15          971.14 (2) (g) The defendant may be examined for competency purposes at any  
16          stage of the competency proceedings by physicians, as defined in s. 448.01 (5), or  
17          other experts chosen by the defendant or by the district attorney, who shall be  
18          permitted reasonable access to the defendant for purposes of the examination.

19          SECTION ~~105~~<sup>11</sup>. 971.14 (5) (am) of the statutes is amended to read:

20          971.14 (5) (am) If the defendant is not subject to a court order determining the  
21          defendant to be not competent to refuse medication or treatment for the defendant's  
22          mental condition and if the treatment facility determines that the defendant should  
23          be subject to such a court order, the treatment facility may file with the court with  
24          notice to the counsel for the defendant, the defendant and the district attorney, a  
25          motion for a hearing, under the standard specified in sub. (3) (dm), on whether the

1 defendant is not competent to refuse medication or treatment. A report on which the  
2 motion is based shall accompany the motion and notice of motion and shall include  
3 a statement signed by a licensed physician, as defined in s. 448.01 (5), that asserts  
4 that the defendant needs medication or treatment and that the defendant is not  
5 competent to refuse medication or treatment, based on an examination of the  
6 defendant by such a licensed physician. Within 10 days after a motion is filed under  
7 this paragraph, the court shall, under the procedures and standards specified in sub.  
8 (4) (b), determine the defendant's competency to refuse medication or treatment for  
9 the defendant's mental condition. At the request of the defendant, the defendant's  
10 counsel or the district attorney, the hearing may be postponed, but in no case may  
11 the postponed hearing be held more than 20 days after a motion is filed under this  
12 paragraph.

13 SECTION ~~106~~ 975.001 of the statutes is renumbered 975.001 (intro.) and  
14 amended to read:

15 **975.001 (intro.) Definition Definitions.** In this chapter, "department":

16 (1) "Department" means the department of health and family services.

17 SECTION ~~107~~ 975.001 (2) of the statutes is created to read:

18 975.001 (2) "Physician" has the meaning given in s. 448.01 (5).

19 SECTION ~~108~~ 979.001 of the statutes is created to read:

20 **979.001 Definition.** In this section "physician" has the meaning given in s.  
21 448.01 (5).

22 SECTION 109. 990.01 (25v) of the statutes is created to read:

23 990.01 (25v) OSTEOPATH. "Osteopath" means a person holding a license or  
24 certificate of registration from the medical examining board.

25 SECTION 110. 990.01 (28) of the statutes is amended to read:

990.01 (28) ~~PHYSICIAN, SURGEON OR OSTEOPATH.~~ “Physician,” ~~“surgeon” or~~  
~~“osteopath” or “licensed physician”~~ means a person holding a license or certificate of  
 registration from the medical examining board or chiropractic examining board.

**SECTION 111.** 990.01 (40m) of the statutes is created to read:

990.01 (40m) SURGEON. "Surgeon" means a person holding a license or certificate of registration from the medical examining board.

**(END)**

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1423/P3ins  
MDK:.....

1

INSERT 2A:

Under current law, if the term "physician" is used in the statutes, it means a physician licensed by the Medical Examining Board, except if that meaning is inconsistent with the legislature's manifest intent. Also, under current law, if "chiropractor" is used in the statutes, it means a chiropractor licensed by the Chiropractic Examining Board, with the same exception regarding legislative intent.

Under this bill, if the term "physician" is used in the statutes, it means either a physician licensed by the Medical Examining Board or a chiropractor licensed by the Chiropractic Examining Board, with the same exception under current law regarding legislative intent. As a result, the following provisions that refer to a "physician" under current law are changed under the bill to refer to either a physician licensed by the Medical Examining Board or a chiropractor licensed by the Chiropractic Examining Board:

1. Certifications, reports, or other requirements regarding handicap, disability, illness, physical fitness, or other physical condition that are related to class B hunting permits, testimony by telephone at tax dispute hearings conducted by a board of review, releases of land from farmland preservation agreements, polygraph testing by employers, verification of illness of striking municipal workers, duty of hospitals to provide emergency treatment, notification of the Department of Transportation about a patient's ability to drive, and participation in property tax loan program administered by the Wisconsin Housing and Economic Development Authority, and driver's instructor licenses. *Participation in a*

2. Certifications, reports, or examinations regarding handicap, disability, or other physical condition required for ~~the state work center procurement~~ program, disability annuities administered by the Employee Trust Funds Board, eligibility of veterans for public employment, and exemptions of unemployed persons from certain supervision fees otherwise required by the Department of Corrections.

3. Appointments to the private employer health coverage board in the Department of Employee Trust Funds, appointments of town physicians by certain towns, appointments of chief medical officers by the state health officer, appointments to local boards of health, and appointments of local health officers by towns and villages.

4. Privacy requirements for medical communications regarding residents of nursing homes and community-based residential facilities and requirements regarding the release of employee medical records by employers.

5. Reports required for accidents involving all-terrain vehicles and snowmobiles and investigations of snowmobile accidents by the Department of Natural Resources.

6. Requirements for drawing blood for testing persons arrested for intoxicated operation of motor vehicles, all-terrain vehicles, snowmobiles, or boats. *X*

*for state agencies to make procurements  
from work centers for the severely physically  
handicapped*

7. Physical examinations required for civil service employees of first class cities, for participation in the Wisconsin service and conservation corps programs, and for certain school employees. X

8. Access to physical examinations and medical evidence in personal injury actions.

9. Standards for hospice care in rules promulgated by the Department of Health and Family Services.

10. Requirements for participating in the volunteer health care provider program administered by the Department of Health and Family Services. X

11. Eligibility of nonprofit hospitals for property tax exemption regarding certain health and fitness centers.

12. Reports of sexual assault or incest relating to eligibility for benefits under the Wisconsin works and aid to families with dependent children programs. X

13. Duty to refer children with disabilities to local educational agencies.

14. Preexisting condition requirements in medicare supplement, medicare replacement, or long-term care insurance policies.

Finally, the bill specifies that other references to a "physician" under current law mean a physician licensed by the Medical Examining Board. As a result, the bill does not change the meaning of those references under current law.

**INSERT 14-8:**

SECTION ~~14~~ 250.01 (6) of the statutes is repealed.

**INSERT 14-25:**

SECTION ~~25~~ 255.01 (2m) of the statutes is created to read:

255.01 (2m) "Physician" has the meaning given in s. 448.01 (5).

**INSERT 17-14:**

SECTION ~~17~~ 441.15 (1) (am) of the statutes is created to read:

441.15 (1) (am) "Physician" has the meaning given in s. 448.01 (5).

**INSERT 20-15:**

SECTION ~~20~~ 632.853 of the statutes is amended to read:

**632.853 Coverage of drugs and devices.** A health care plan, as defined in s. 628.36 (2) (a) 1., or a self-insured health plan, as defined in s. 632.85 (1) (c), that provides coverage of only certain specified prescription drugs or devices shall develop a process through which a physician, as defined in s. 448.01 (5), may present medical

- 1 evidence to obtain an individual patient exception for coverage of a prescription drug
- 2 or device not routinely covered by the plan. The process shall include timelines for
- 3 both urgent and nonurgent review.

**History:** 1997 a. 231.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1423/P3dn

MDK..

Date

Representative Foti:

Please note the following about this version of the draft:

1. Proposed s. 48.02 (14<sup>k</sup>) is created in order to provide a definition for ~~the~~ <sup>ch.</sup> all of chapter 48. Therefore, there is no need to amend s. 48.195 (2) (d) 4. (or any other provision in ch. 48 that you want to limit to physicians licensed under ch. 448.) X
2. The creation of proposed s. 118.25 (1) (a) is eliminated from this version. As a result, "physician" as used in s. 118.25, is intended to refer to either a physician licensed under ch. 448 or a chiropractor. X
3. The amendment of s. 155.05 (2) is okay as drafted in the previous version. Note that s. 155.01 (9<sup>m</sup>) is created, which provides that, throughout ch. 155, including s. 155.05 (2), physician means a physician licensed under ch. 448. As a result, it is no longer necessary to specify in s. 155.05 (2) that a physician is someone licensed under ch. 448.
4. This version repeals s. 250.01 (6), which should have been repealed in the previous version.
5. This version creates proposed s. 255.01 (2<sup>m</sup>), which provides that, throughout ch. 255, stats., including ss. 255.04 and 255.08, "physician" means a physician licensed under ch. 448.
6. This version creates s. 441.15 (1) (am), which provides that throughout s. 441.15, "physician" means a physician licensed under ch. 448. Therefore, it isn't necessary to amend s. 441.15 (2) (b) or (4).
7. It isn't necessary to amend s. 447.01 (8) (g), because that provision already refers to a physician licensed under ch. 448.
8. The amendment of s. 560.183 (1) (b) in the previous version is eliminated.
9. The creation of proposed s. 632.08 (1) (am) in the previous version was a typographical error, which is corrected by this version's creation of proposed s. 632.68 (1) (am). This version also amends s. 632.853 to refer to a physician licensed under ch. 448.
10. Like the previous version, this version creates s. 938.02 (14<sup>g</sup>), which provides that throughout ch. 938, "physician" means a physician licensed under ch. 448. Therefore, it isn't necessary to amend s. 938.505 (2) (a) 3.

11. Like the previous version, this version creates s. 948.01<sup>✓</sup> (3o), which provides that throughout ch. 948, "physician" means a physician licensed under ch. 448. Therefore, it isn't necessary to amend the references to "physician" in s. 948.13.

In addition, please note the following new questions that arose as I prepared this version of the draft:

1. Should the reference to a resident's physician in s. 50.09 (1) (a) (intro.)<sup>✓</sup>, stats., be revised to also refer to resident's chiropractor?

2. DHFS is allowed to send applications for the volunteer health care provider program to the medical examining board under s. 146.89 (2) (b), stats. Is that okay for applications by chiropractors? X

Finally, note that Attachment A to this drafter's note identifies the statutes that are described in the 14 items following the <sup>2nd</sup> paragraph of the analysis. X

*Second*

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1423/P3dn  
MDK:kjf:eph

March 21, 2003

Representative Foti:

Please note the following about this version of the draft:

1. Proposed s. 48.02 (14k) is created in order to provide a definition for all of ch. 48. Therefore, there is no need to amend s. 48.195 (2) (d) 4. (or any other provision in ch. 48 that you want to limit to physicians licensed under ch. 448.)
2. The creation of proposed s. 118.25 (1) (a) is eliminated from this version. As a result, "physician," as used in s. 118.25, is intended to refer to either a physician licensed under ch. 448 or a chiropractor.
3. The amendment of s. 155.05 (2) is okay as drafted in the previous version. Note that s. 155.01 (9m) is created, which provides that, throughout ch. 155, including s. 155.05 (2), physician means a physician licensed under ch. 448. As a result, it is no longer necessary to specify in s. 155.05 (2) that a physician is someone licensed under ch. 448.
4. This version repeals s. 250.01 (6), which should have been repealed in the previous version.
5. This version creates proposed s. 255.01 (2m), which provides that, throughout ch. 255, stats., including ss. 255.04 and 255.08, "physician" means a physician licensed under ch. 448.
6. This version creates s. 441.15 (1) (am), which provides that throughout s. 441.15, "physician" means a physician licensed under ch. 448. Therefore, it isn't necessary to amend s. 441.15 (2) (b) or (4).
7. It isn't necessary to amend s. 447.01 (8) (g), because that provision already refers to a physician licensed under ch. 448.
8. The amendment of s. 560.183 (1) (b) in the previous version is eliminated.
9. The creation of proposed s. 632.08 (1) (am) in the previous version was a typographical error, which is corrected by this version's creation of proposed s. 632.68 (1) (am). This version also amends s. 632.853 to refer to a physician licensed under ch. 448.
10. Like the previous version, this version creates s. 938.02 (14g), which provides that throughout ch. 938, "physician" means a physician licensed under ch. 448. Therefore, it isn't necessary to amend s. 938.505 (2) (a) 3.

11. Like the previous version, this version creates s. 948.01 (3o), which provides that throughout ch. 948, "physician" means a physician licensed under ch. 448. Therefore, it isn't necessary to amend the references to "physician" in s. 948.13.

In addition, please note the following new questions that arose as I prepared this version of the draft:

1. Should the reference to a resident's physician in s. 50.09 (1) (a) (intro.), stats., be revised to also refer to resident's chiropractor?

2. DHFS is allowed to send applications for the Volunteer Health Care Provider program to the Medical Examining Board under s. 146.89 (2) (b), stats. Is that okay for applications by chiropractors?

Finally, note that Attachment A to this drafter's note identifies the statutes that are described in the 14 items following the second paragraph of the analysis.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

### Attachment A to LRB-1423/P3dn

<i>Item:</i>	<i>Statutes Described:</i>
<b>1</b>	Sections 29.193 (2) (c) 2., 70.47 (8), 91.17 (2), 111.37 (6) (c) 1., 111.70 (7) (a) and (7m) (c) 2., 146.301 (3) (a), 146.82 (3) (a), 234.622 (1) (a), and 343.63 (4).
<b>2</b>	Sections 16.752 (8) (g), 40.63 (9) (a), 45.52, 301.08 (1) (c) 3m. b., 304.073 (4) (b), 304.074 (3) (d), and 939.615 (5) (c) 4.
<b>3</b>	Sections 15.165 (5) (a) 7., 60.23 (9), 250.01 (1), 251.03 (1), and 251.06 (1) (a) 2.
<b>4</b>	Sections 50.09 (1) (a) (intro.) and 103.13 (5).
<b>5</b>	Sections 23.33 (7) (a) and 350.15 (3) and (5) (b).
<b>6</b>	Sections 23.33 (4p) (b) 4., 30.684 (2) (d), 343.305 (5) (b), and 350.104 (2) (d).
<b>7</b>	Sections 63.32, 106.21 (10) (e), 106.215 (11) (e), and 118.25.
<b>8</b>	Section 804.10.
<b>9</b>	Section 50.90 (3).
<b>10</b>	Section 146.89 (1).
<b>11</b>	Section 70.11 (4m) (c).
<b>12</b>	Sections 49.148 (1m) (b) and 49.19 (11s) (b) 2.
<b>13</b>	Section 115.777 (1) (a).
<b>14</b>	Section 632.76 (2) (b).



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1423/P3  
MDK:kjf:cph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1     **AN ACT** *to repeal* 16.009 (1) (h), 250.01 (6) and 948.70 (1) (a); *to renumber*  
2         146.31 (1), 185.983 (1) and 804.10 (1); *to renumber and amend* 253.01 and  
3         975.001; *to consolidate, renumber and amend* 948.70 (1) (intro.) and (b); *to*  
4         *amend* 15.165 (5) (a) 7., 15.405 (7m), 15.407 (1m), 15.915 (2) (b), 20.927 (1m),  
5         29.193 (3) (a), 30.67 (6) (b), 46.21 (2) (m), 46.245, 46.297 (2) (a), 46.298, 46.87  
6         (5) (a) 1., 49.26 (1) (g) 11., 49.43 (9), 50.09 (1) (a) (intro.), 50.36 (3g) (c), 50.90 (3),  
7         55.043 (1) (b) (intro.), 59.53 (13) (a), 66.0601 (1) (b), 100.43 (3) (c), 106.50 (2r)  
8         (bm) 2., 115.53 (4) (a), 118.29 (1) (e), 146.0255 (2), 146.17, 146.89 (1), 155.05 (2),  
9         157.05, 157.06 (1) (h), 165.765 (2) (a), 252.14 (1) (ar) 4., 252.15 (1) (am), 252.23  
10        (1) (a), 302.10, 302.113 (9g) (c), 302.37 (2), 302.383 (1) (b), 302.40, 343.63 (4),  
11        347.485 (2) (b), 350.155 (2), 441.16 (6), 444.10, 445.14, 447.03 (3) (h), 449.01 (2),  
12        449.02 (2), 450.01 (22), 454.02 (1), 459.035, 632.853, 765.03 (1), 804.10 (3) (a),  
13        880.33 (1), 880.33 (4m) (b) 1., 891.09 (2), 891.40 (1), 891.40 (2), 938.48 (6),  
14        939.615 (6) (e), 967.02 (2), 968.255 (3), 971.14 (2) (g), 971.14 (5) (am) and 990.01  
15        (28); and *to create* 46.27 (1) (bg), 48.02 (14k), 50.01 (4p), 50.49 (1) (d), 51.01

1 (13m), 69.01 (17m), 77.51 (10m), 95.21 (1) (dm), 101.01 (10m), 146.31 (1g),  
2 146.55 (1) (fm), 155.01 (9m), 185.983 (1g), 252.01 (5), 253.01 (2), 255.01 (2m),  
3 301.45 (1d) (q), 343.045, 346.01 (3), 441.15 (1) (am), 449.01 (5), 450.01 (15m),  
4 454.01 (14m), 632.68 (1) (am), 632.835 (1) (cm), 632.89 (1) (eg), 767.001 (5m),  
5 804.10 (1g), 938.02 (14g), 940.001, 941.315 (1) (c), 948.01 (3o), 975.001 (2),  
6 979.001, 990.01 (25v) and 990.01 (40m) of the statutes; **relating to:** statutory  
7 references to physicians and chiropractics.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if the term “physician” is used in the statutes, it means a physician licensed by the Medical Examining Board, except if that meaning is inconsistent with the legislature’s manifest intent. Also, under current law, if “chiropractor” is used in the statutes, it means a chiropractor licensed by the Chiropractic Examining Board, with the same exception regarding legislative intent.

Under this bill, if the term “physician” is used in the statutes, it means either a physician licensed by the Medical Examining Board or a chiropractor licensed by the Chiropractic Examining Board, with the same exception under current law regarding legislative intent. As a result, the following provisions that refer to a “physician” under current law are changed under the bill to refer to either a physician licensed by the Medical Examining Board or a chiropractor licensed by the Chiropractic Examining Board:

1. Certifications, reports, or other requirements regarding handicap, disability, illness, physical fitness, or other physical condition that are related to class B hunting permits, testimony by telephone at tax dispute hearings conducted by a board of review, releases of land from farmland preservation agreements, polygraph testing by employers, verification of illness of striking municipal workers, duty of hospitals to provide emergency treatment, notification of the Department of Transportation about a patient’s ability to drive, and participation in a property tax loan program administered by the Wisconsin Housing and Economic Development Authority, and driver’s instructor licenses.

2. Certifications, reports, or examinations regarding handicap, disability, or other physical condition required participation in a program for state agencies to make procurements from work centers for the severely physically handicapped, disability annuities administered by the Employee Trust Funds Board, eligibility of veterans for public employment, and exemptions of unemployed persons from certain supervision fees otherwise required by the Department of Corrections.

3. Appointments to the Private Employer Health Coverage Board in the Department of Employee Trust Funds, appointments of town physicians by certain

towns, appointments of chief medical officers by the state health officer, appointments to local boards of health, and appointments of local health officers by towns and villages.

4. Privacy requirements for medical communications regarding residents of nursing homes and community-based residential facilities and requirements regarding the release of employee medical records by employers.

5. Reports required for accidents involving all-terrain vehicles and snowmobiles and investigations of snowmobile accidents by the Department of Natural Resources.

6. Requirements for drawing blood for testing persons arrested for intoxicated operation of motor vehicles, all-terrain vehicles, snowmobiles, or boats.

7. Physical examinations required for civil service employees of first class cities, for participation in the Wisconsin service and conservation corps programs, and for certain school employees.

8. Access to physical examinations and medical evidence in personal injury actions.

9. Standards for hospice care in rules promulgated by the Department of Health and Family Services.

10. Requirements for participating in the Volunteer Health Care Provider program administered by the Department of Health and Family Services.

11. Eligibility of nonprofit hospitals for property tax exemption regarding certain health and fitness centers.

12. Reports of sexual assault or incest relating to eligibility for benefits under the Wisconsin Works and Aid to Families with Dependent Children programs.

13. Duty to refer children with disabilities to local educational agencies.

14. Preexisting condition requirements in medicare supplement, medicare replacement, or long-term care insurance policies.

Finally, the bill specifies that other references to a “physician” under current law mean a physician licensed by the Medical Examining Board. As a result, the bill does not change the meaning of those references under current law.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       **SECTION 1.** 15.165 (5) (a) 7. of the statutes is amended to read:

2       15.165 (5) (a) 7. One member who is a physician, ~~as defined in s. 448.01 (5).~~

3       **SECTION 2.** 15.405. (7m) of the statutes is amended to read:

4       15.405 (7m) NURSING HOME ADMINISTRATOR EXAMINING BOARD. There is created  
5 a nursing home administrator examining board in the department of regulation and  
6 licensing consisting of 9 members appointed for staggered 4-year terms and the

1 secretary of health and family services or a designee, who shall serve as a nonvoting  
2 member. Five members shall be nursing home administrators licensed in this state.  
3 One member shall be a physician as defined in s. 448.01 (5). One member shall be  
4 a nurse licensed under ch. 441. Two members shall be public members. No more than  
5 2 members may be officials or full-time employees of this state.

6 **SECTION 3.** 15.407 (1m) of the statutes is amended to read:

7 15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is  
8 created a respiratory care practitioners examining council in the department of  
9 regulation and licensing and serving the medical examining board in an advisory  
10 capacity in the formulating of rules to be promulgated by the medical examining  
11 board for the regulation of respiratory care practitioners. The respiratory care  
12 practitioners examining council shall consist of 3 certified respiratory care  
13 practitioners, each of whom shall have engaged in the practice of respiratory care for  
14 at least 3 years preceding appointment, one physician, as defined in s. 448.01 (5), and  
15 one public member. The respiratory care practitioner and physician members shall  
16 be appointed by the medical examining board. The members of the examining  
17 council shall serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply  
18 to the respiratory care practitioners examining council.

19 **SECTION 4.** 15.915 (2) (b) of the statutes is amended to read:

20 15.915 (2) (b) A representative of local health departments who is not an  
21 employee of the department of health and family services, one physician, as defined  
22 in s. 448.01 (5), representing clinical laboratories, one member representing private  
23 environmental testing laboratories, one member representing occupational health  
24 laboratories and 3 additional members, one of whom shall be a medical examiner or

1 coroner, appointed for 3-year terms. No member appointed under this paragraph  
2 may be an employee of the laboratory of hygiene.

3 **SECTION 5.** 16.009 (1) (h) of the statutes is repealed.

4 **SECTION 6.** 20.927 (1m) of the statutes is amended to read:

5 20.927 (1m) Except as provided under subs. (2) and (3), no funds of this state  
6 or of any county, city, village, town or family care district under s. 46.2895 or of any  
7 subdivision or agency of this state or of any county, city, village or town and no federal  
8 funds passing through the state treasury shall be authorized for or paid to a  
9 physician, as defined in s. 448.01 (5), or surgeon or a hospital, clinic or other medical  
10 facility for the performance of an abortion.

11 **SECTION 7.** 29.193 (3) (a) of the statutes is amended to read:

12 29.193 (3) (a) Produces a certificate from a licensed physician, as defined in s.  
13 448.01 (5), or optometrist stating that his or her sight is impaired to the degree that  
14 he or she cannot read ordinary newspaper print with or without corrective glasses.

15 **SECTION 8.** 30.67 (6) (b) of the statutes is amended to read:

16 30.67 (6) (b) In cases of death involving a boat in which the person died within  
17 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be  
18 withdrawn from the body of the decedent within 12 hours after his or her death, by  
19 the coroner or medical examiner or by a physician, as defined in s. 448.01 (5), so  
20 designated by the coroner or medical examiner or by a qualified person at the  
21 direction of the physician. All morticians shall obtain a release from the coroner or  
22 medical examiner prior to proceeding with embalming any body coming under the  
23 scope of this section. The blood so drawn shall be forwarded to a laboratory approved  
24 by the state health officer for analysis of the alcoholic content of the blood specimen.  
25 The coroner or medical examiner causing the blood to be withdrawn shall be notified



1 of the results of each analysis made and shall forward the results of each analysis  
2 to the state health officer. The state health officer shall keep a record of all  
3 examinations to be used for statistical purposes only. The cumulative results of the  
4 examinations, without identifying the individuals involved, shall be disseminated  
5 and made public by the state health officer. The department shall reimburse  
6 coroners and medical examiners for the costs incurred in submitting reports and  
7 taking blood specimens and laboratories for the costs incurred in analyzing blood  
8 specimens under this section.

9 **SECTION 9.** 46.21 (2) (m) of the statutes is amended to read:

10 46.21 (2) (m) May establish and maintain in connection with such county  
11 hospital, an emergency unit or department for the treatment, subject to such rules  
12 as may be prescribed by the county board of supervisors, of persons in the county who  
13 may meet with accidents or be suddenly afflicted with illness not contagious;  
14 provided that medical care and treatment shall only be furnished in such unit or  
15 department until such time as the patient may be safely removed to another hospital  
16 or to his or her place of abode, or regularly admitted to the county hospital. The  
17 county board of supervisors may also contract with any private hospital or nonprofit  
18 hospital within the county for the use of its facilities and for medical service to be  
19 furnished by a ~~licensed~~ physician, or physicians, as defined in s. 448.01 (5), to  
20 patients who require emergency medical treatment or first aid as a result of any  
21 accident, injury or sudden affliction of illness occurring within the county, except  
22 that reasonable compensation may only be authorized until the patient is regularly  
23 admitted as an inpatient or safely removed to another hospital or to his place of  
24 abode. In this paragraph, "hospital" includes, without limitation due to  
25 enumeration, public health centers, medical facilities and general, tuberculosis,

1 mental, chronic disease and other types of hospitals and related facilities, such as  
2 laboratories, outpatient departments, nurses' home and training facilities, and  
3 central service facilities operated in connection with hospitals. In this paragraph,  
4 "hospital" does not include any hospital furnishing primarily domiciliary care. In  
5 this paragraph "nonprofit hospital" means any hospital owned and operated by a  
6 corporation or association, no part of the net earnings of which inures, or may  
7 lawfully inure, to the benefit of any private shareholder or individual.

8 **SECTION 10.** 46.245 of the statutes is amended to read:

9 **46.245 Information for certain pregnant women.** Upon request, a county  
10 department under s. 46.215, 46.22 or 46.23 shall distribute the materials described  
11 under s. 253.10 (3) (d), as prepared and distributed by the department. A physician,  
12 as defined in s. 448.01 (5), who intends to perform or induce an abortion or another  
13 qualified physician, as defined in s. 253.10 (2) (g), who reasonably believes that he  
14 or she might have a patient for whom the information under s. 253.10 (3) (d) is  
15 required to be given, shall request a reasonably adequate number of the materials  
16 from the county department under this section or from the department under s.  
17 253.10 (3) (d). An individual may request a reasonably adequate number of the  
18 materials.

19 **SECTION 11.** 46.27 (1) (bg) of the statutes is created to read:

20 46.27 (1) (bg) "Physician" has the meaning given in s. 448.01 (5).

21 **SECTION 12.** 46.297 (2) (a) of the statutes is amended to read:

22 46.297 (2) (a) The person is certified as deaf or severely hearing impaired by  
23 a physician, as defined in s. 448.01 (5), an audiologist licensed under subch. II of ch.  
24 459, or the department.

25 **SECTION 13.** 46.298 of the statutes is amended to read:

1           **46.298 Vehicle sticker for the hearing impaired.** Upon the request of a  
2 person who is certified as hearing impaired by the department, by a physician, as  
3 defined in s. 448.01 (5), by a hearing instrument specialist licensed under subch. I  
4 of ch. 459 or by an audiologist licensed under subch. II of ch. 459, the department  
5 shall issue to the person a decal or sticker for display on a motor vehicle owned or  
6 frequently operated by the person to apprise law enforcement officers of the fact that  
7 the vehicle is owned or operated by a hearing-impaired person. No charge shall be  
8 made for issuance of the decal or sticker. The department shall specify the design  
9 of the decal or sticker. The department shall designate the location on the vehicle  
10 at which the decal or sticker shall be affixed by its own adhesive.

11           **SECTION 14.** 46.87 (5) (a) 1. of the statutes is amended to read:

12           46.87 (5) (a) 1. At least one member of the household must be a person who has  
13 been diagnosed by a physician, as defined in s. 448.01 (5), as having Alzheimer's  
14 disease.

15           **SECTION 15.** 48.02 (14k) of the statutes is created to read:

16           48.02 (14k) "Physician" has the meaning given in s. 448.01 (5).

17           **SECTION 16.** 49.26 (1) (g) 11. of the statutes is amended to read:

18           49.26 (1) (g) 11. If the individual is the mother of a child, a physician, as defined  
19 in s. 448.01 (5), has not determined that the individual should delay her return to  
20 school after giving birth.

21           **SECTION 17.** 49.43 (9) of the statutes is amended to read:

22           49.43 (9) "Physician" ~~means a person licensed to practice medicine and surgery,~~  
23 ~~and includes graduates of osteopathic colleges holding an unlimited license to~~  
24 ~~practice medicine and surgery~~ has the meaning given in s. 448.01 (5).

25           **SECTION 18.** 50.01 (4p) of the statutes is created to read:

1           50.01 (4p) “Physician” has the meaning given in s. 448.01 (5).

2           **SECTION 19.** 50.09 (1) (a) (intro.) of the statutes is amended to read:

3           50.09 (1) (a) (intro.) Private and unrestricted communications with the  
4           resident’s family, physician, chiropractor, attorney and any other person, unless  
5           medically contraindicated as documented by the resident’s physician in the  
6           resident’s medical record, except that communications with public officials or with  
7           the resident’s attorney shall not be restricted in any event. The right to private and  
8           unrestricted communications shall include, but is not limited to, the right to:

9           **SECTION 20.** 50.36 (3g) (c) of the statutes is amended to read:

10          50.36 (3g) (c) If a hospital grants a psychologist hospital staff privileges or  
11          limited hospital staff privileges under par. (b), the psychologist or the hospital shall,  
12          prior to or at the time of hospital admission of a patient, identify an appropriate  
13          physician, as defined in s. 448.01 (5), with admitting privileges at the hospital who  
14          shall be responsible for the medical evaluation and medical management of the  
15          patient for the duration of his or her hospitalization.

16          **SECTION 21.** 50.49 (1) (d) of the statutes is created to read:

17          50.49 (1) (d) “Physician” has the meaning given in s. 448.01 (5).

18          **SECTION 22.** 50.90 (3) of the statutes is amended to read:

19          50.90 (3) “Palliative care” means management and support provided for the  
20          reduction or abatement of pain, for other physical symptoms and for psychosocial or  
21          spiritual needs of individuals with terminal illness and includes ~~physieian~~ services  
22          provided by a physician, skilled nursing care, medical social services, services of  
23          volunteers, and bereavement services. “Palliative care” does not mean treatment  
24          provided in order to cure a medical condition or disease or to artificially prolong life.

25          **SECTION 23.** 51.01 (13m) of the statutes is created to read:

1           51.01 (13m) “Physician” has the meaning given in s. 448.01 (5).

2           **SECTION 24.** 55.043 (1) (b) (intro.) of the statutes is amended to read:

3           55.043 (1) (b) (intro.) The county protective services agency may transport the  
4           vulnerable adult for performance of a medical examination by a physician, as defined  
5           in s. 448.01 (5), if any of the following applies:

6           **SECTION 25.** 59.53 (13) (a) of the statutes is amended to read:

7           59.53 (13) (a) No county, or agency or subdivision of the county, may authorize  
8           funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a hospital,  
9           clinic or other medical facility for the performance of an abortion except those  
10          permitted under and which are performed in accordance with s. 20.927.

11          **SECTION 26.** 66.0601 (1) (h) of the statutes is amended to read:

12          66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family  
13          care district under s. 46.2895 or agency or subdivision of a city, village or town may  
14          authorize funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a  
15          hospital, clinic or other medical facility for the performance of an abortion except  
16          those permitted under and which are performed in accordance with s. 20.927.

17          **SECTION 27.** 69.01 (17m) of the statutes is created to read:

18          69.01 (17m) “Physician” has the meaning given in s. 448.01 (5).

19          **SECTION 28.** 77.51 (10m) of the statutes is created to read:

20          77.51 (10m) “Physician” has the meaning given in s. 448.01 (5).

21          **SECTION 29.** 95.21 (1) (dm) of the statutes is created to read:

22          95.21 (1) (dm) “Physician” has the meaning given in s. 448.01 (5).

23          **SECTION 30.** 100.43 (3) (c) of the statutes is amended to read:

24          100.43 (3) (c) A household substance, subject to special packaging standards,  
25          which is dispensed pursuant to a prescription of a physician, as defined in s. 448.01

1     (5), dentist, or other licensed medical practitioner may be sold in conventional or  
2     noncomplying packages when directed in such prescription or requested by the  
3     purchaser.

4           **SECTION 31.** 101.01 (10m) of the statutes is created to read:

5           101.01 (10m) “Physician” has the meaning given in s. 448.01 (5).

6           **SECTION 32.** 106.50 (2r) (bm) 2. of the statutes is amended to read:

7           106.50 (2r) (bm) 2. Subdivision 1. does not apply in the case of the rental of  
8     owner-occupied housing if the owner or a member of his or her immediate family  
9     occupying the housing possesses and, upon request, presents to the individual a  
10    certificate signed by a physician, as defined in s. 448.01 (5), which states that the  
11    owner or family member is allergic to the type of animal the individual possesses.

12          **SECTION 33.** 115.53 (4) (a) of the statutes is amended to read:

13          115.53 (4) (a) The application shall be accompanied by the report of a physician,  
14    as defined in s. 448.01 (5), appointed by the director of the Wisconsin Educational  
15    Services Program for the Deaf and Hard of Hearing or the director of the Wisconsin  
16    Center for the Blind and Visually Impaired and shall be in the same form as reports  
17    of other physicians for admission of patients to such hospital.

18          **SECTION 34.** 118.29 (1) (e) of the statutes is amended to read:

19          118.29 (1) (e) “Practitioner” means any physician, as defined in s. 448.01 (5),  
20    dentist, optometrist, physician assistant, advanced practice nurse prescriber, or  
21    podiatrist licensed in any state.

22          **SECTION 35.** 146.0255 (2) of the statutes is amended to read:

23          146.0255 (2) TESTING. Any hospital employee who provides health care, social  
24    worker or intake worker under ch. 48 may refer an infant or an expectant mother of  
25    an unborn child, as defined in s. 48.02 (19), to a physician, as defined in s. 448.01 (5),

1 for testing of the bodily fluids of the infant or expectant mother for controlled  
2 substances or controlled substance analogs if the hospital employee who provides  
3 health care, social worker or intake worker suspects that the infant or expectant  
4 mother has controlled substances or controlled substance analogs in the bodily fluids  
5 of the infant or expectant mother because of the use of controlled substances or  
6 controlled substance analogs by the mother while she was pregnant with the infant  
7 or by the expectant mother while she is pregnant with the unborn child. The  
8 physician may test the infant or expectant mother to ascertain whether or not the  
9 infant or expectant mother has controlled substances or controlled substance  
10 analogs in the bodily fluids of the infant or expectant mother, if the physician  
11 determines that there is a serious risk that there are controlled substances or  
12 controlled substance analogs in the bodily fluids of the infant or expectant mother  
13 because of the use of controlled substances or controlled substance analogs by the  
14 mother while she was pregnant with the infant or by the expectant mother while she  
15 is pregnant with the unborn child and that the health of the infant, the unborn child  
16 or the child when born may be adversely affected by the controlled substances or  
17 controlled substance analogs. If the results of the test indicate that the infant does  
18 have controlled substances or controlled substance analogs in the infant's bodily  
19 fluids, the physician shall make a report under s. 46.238. If the results of the test  
20 indicate that the expectant mother does have controlled substances or controlled  
21 substance analogs in the expectant mother's bodily fluids, the physician may make  
22 a report under s. 46.238. Under this subsection, no physician may test an expectant  
23 mother without first receiving her informed consent to the testing.

24 **SECTION 36.** 146.17 of the statutes is amended to read:

1       **146.17 Limitations.** Nothing in the statutes shall be construed to authorize  
2 interference with the individual's right to select his or her own physician, as defined  
3 in s. 448.01 (5), or mode of treatment, nor as a limitation upon the municipality to  
4 enact measures in aid of health administration, consistent with statute and acts of  
5 the department.

6       **SECTION 37.** 146.31 (1) of the statutes is renumbered 146.31 (1r).

7       **SECTION 38.** 146.31 (1g) of the statutes is created to read:

8       146.31 (1g) In this section, "physician" has the meaning given in s. 448.01 (5).

9       **SECTION 39.** 146.55 (1) (fm) of the statutes is created to read:

10       146.55 (1) (fm) "Physician" has the meaning given in s. 448.01 (5).

11       **SECTION 40.** 146.89 (1) of the statutes is amended to read:

12       146.89 (1) In this section, "volunteer health care provider" means an individual  
13 who is ~~licensed as a physician under ch. 448,~~ or who is licensed as a dentist under  
14 ch. 447, registered nurse, practical nurse or nurse-midwife under ch. 441,  
15 optometrist under ch. 449 or physician assistant under ch. 448 or certified as a  
16 dietitian under subch. V of ch. 448 and who receives no income from the practice of  
17 that health care profession or who receives no income from the practice of that health  
18 care profession when providing services at the nonprofit agency specified under sub.  
19 (3).

20       **SECTION 41.** 155.01 (9m) of the statutes is created to read:

21       155.01 (9m) "Physician" has the meaning given in s. 448.01 (5).

22       **SECTION 42.** 155.05 (2) of the statutes is amended to read:

23       155.05 (2) Unless otherwise specified in the power of attorney for health care  
24 instrument, an individual's power of attorney for health care takes effect upon a  
25 finding of incapacity by 2 physicians, ~~as defined in s. 448.01 (5),~~ or one physician and



1 one licensed psychologist, as defined in s. 455.01 (4), who personally examine the  
2 principal and sign a statement specifying that the principal has incapacity. Mere old  
3 age, eccentricity or physical disability, either singly or together, are insufficient to  
4 make a finding of incapacity. Neither of the individuals who make a finding of  
5 incapacity may be a relative of the principal or have knowledge that he or she is  
6 entitled to or has a claim on any portion of the principal's estate. A copy of the  
7 statement, if made, shall be appended to the power of attorney for health care  
8 instrument.

9 **SECTION 43.** 157.05 of the statutes is amended to read:

10 **157.05 Autopsy.** Consent for a licensed physician, as defined in s. 448.01 (5),  
11 to conduct an autopsy on the body of a deceased person shall be deemed sufficient  
12 when given by whichever one of the following assumes custody of the body for  
13 purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in  
14 the absence of any of the foregoing, a friend, or a person charged by law with the  
15 responsibility for burial. If 2 or more such persons assume custody of the body, the  
16 consent of one of them shall be deemed sufficient.

17 **SECTION 44.** 157.06 (1) (h) of the statutes is amended to read:

18 157.06 (1) (h) "Physician" ~~means~~ has the meaning given in s. 448.01 (5), and  
19 also includes an individual licensed or otherwise authorized to practice medicine and  
20 surgery or osteopathy and surgery under the laws of any state.

21 **SECTION 45.** 165.765 (2) (a) of the statutes is amended to read:

22 165.765 (2) (a) Any physician, as defined in s. 448.01 (5), registered nurse,  
23 medical technologist, physician assistant or person acting under the direction of a  
24 physician who obtains a biological specimen under s. 165.76, 938.34 (15), 973.047 or

1 980.063 is immune from any civil or criminal liability for the act, except for civil  
2 liability for negligence in the performance of the act.

3 **SECTION 46.** 185.983 (1) of the statutes is renumbered 185.983 (1r).

4 **SECTION 47.** 185.983 (1g) of the statutes is created to read:

5 185.983 (1g) “Physician” has the meaning given in s. 448.01 (5).

6 **SECTION 48.** 250.01 (6) of the statutes is repealed.

7 **SECTION 49.** 252.01 (5) of the statutes is created to read:

8 252.01 (5) “Physician” has the meaning given in s. 448.01 (5).

9 **SECTION 50.** 252.14 (1) (ar) 4. of the statutes is amended to read:

10 252.14 (1) (ar) 4. A physician licensed under subch. II of ch. 448.

11 **SECTION 51.** 252.15 (1) (am) of the statutes is amended to read:

12 252.15 (1) (am) “Health care professional” means a physician who is licensed  
13 under ch. 448 or a registered nurse or licensed practical nurse who is licensed under  
14 ch. 441.

15 **SECTION 52.** 252.23 (1) (a) of the statutes is amended to read:

16 252.23 (1) (a) “Tattoo” has the meaning given in s. 948.70 (1) (b).

17 **SECTION 53.** 253.01 of the statutes is renumbered 253.01 (intro.) and amended  
18 to read:

19 **253.01 (intro.) Definition Definitions.** In this chapter, “division”:

20 (1) “Division” means the division within the department that has primary  
21 responsibility for health issues.

22 **SECTION 54.** 253.01 (2) of the statutes is created to read:

23 253.01 (2) “Physician” has the meaning given in s. 448.01 (5).

24 **SECTION 55.** 255.01 (2m) of the statutes is created to read:

25 255.01 (2m) “Physician” has the meaning given in s. 448.01 (5).

1           **SECTION 56.** 301.45 (1d) (q) of the statutes is created to read:

2           301.45 (1d) (q) “Physician” has the meaning given in s. 448.01 (5).

3           **SECTION 57.** 302.10 of the statutes is amended to read:

4           **302.10 Solitary confinement.** For violation of the rules of the prison an  
5 inmate may be confined to a solitary cell, under the care and advice of the physician,  
6 as defined in s. 448.01 (5).

7           **SECTION 58.** 302.113 (9g) (c) of the statutes is amended to read:

8           302.113 (9g) (c) An inmate who meets the criteria under par. (b) may submit  
9 a petition to the program review committee at the correctional institution in which  
10 the inmate is confined requesting a modification of the inmate’s bifurcated sentence  
11 in the manner specified in par. (f). If the inmate alleges in the petition that he or she  
12 has a terminal condition, the inmate shall attach to the petition affidavits from 2  
13 physicians, as defined in s. 448.01 (5), setting forth a diagnosis that the inmate has  
14 a terminal condition.

15          **SECTION 59.** 302.37 (2) of the statutes is amended to read:

16          302.37 (2) Neither the sheriff or other keeper of any jail nor any other person  
17 shall give, sell or deliver to any prisoner for any cause whatever any alcohol  
18 beverages unless a physician, as defined in s. 448.01 (5), certifies in writing that the  
19 health of the prisoner requires it, in which case the prisoner may be allowed the  
20 quantity prescribed.

21          **SECTION 60.** 302.383 (1) (b) of the statutes is amended to read:

22          302.383 (1) (b) Ensure that the prisoner has been fully informed about his or  
23 her treatment needs, the mental health services available to him or her and his or  
24 her rights under ch. 51, and ensure that the prisoner has had an opportunity to  
25 discuss his or her needs, the services available to him or her and his or her rights with

1 a licensed physician, as defined in s. 448.01 (5), licensed psychologist, or other mental  
2 health professional.

3 **SECTION 61.** 302.40 of the statutes is amended to read:

4 **302.40 Discipline; solitary confinement.** For violating the rules of the jail,  
5 an inmate may be kept in solitary confinement, under the care and advice of a  
6 physician, as defined in s. 448.01 (5), but not over 10 days.

7 **SECTION 62.** 343.045 of the statutes is created to read:

8 **343.045 Definition.** In this subchapter, “physician” has the meaning given  
9 in s. 448.01 (5).

10 **SECTION 63.** 343.63 (4) of the statutes is amended to read:

11 343.63 (4) The applicant shall submit with his or her application a statement  
12 completed by a registered physician showing that in the physician’s judgment the  
13 applicant is physically fit to teach driving.

14 **SECTION 64.** 346.01 (3) of the statutes is created to read:

15 346.01 (3) In this chapter, “physician” has the meaning given in s. 448.01 (5).

16 **SECTION 65.** 347.485 (2) (b) of the statutes is amended to read:

17 347.485 (2) (b) Except for photosensitive corrective glasses prescribed by an  
18 ophthalmologist, physician, as defined in s. 448.01 (5), oculist or optometrist, eye  
19 protection worn during hours of darkness may not be tinted or darkened.

20 **SECTION 66.** 350.155 (2) of the statutes is amended to read:

21 350.155 (2) In cases of death involving a snowmobile in which the decedent died  
22 within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be  
23 withdrawn from the body of the decedent within 12 hours after death, by the coroner  
24 or medical examiner or by a physician, as defined in s. 448.01 (5), so designated by  
25 the coroner or medical examiner or by a qualified person at the direction of such

1 physician. All funeral directors shall obtain a release from the coroner or medical  
2 examiner prior to proceeding with embalming any body coming under the scope of  
3 this section. The blood so drawn shall be forwarded to a laboratory approved by the  
4 department of health and family services for analysis of the alcoholic content of such  
5 blood specimen. The coroner or medical examiner causing the blood to be withdrawn  
6 shall be notified of the results of each analysis made and shall forward the results  
7 of each such analysis to the department of health and family services. The  
8 department of health and family services shall keep a record of all such examinations  
9 to be used for statistical purposes only. The cumulative results of the examinations,  
10 without identifying the individuals involved, shall be disseminated and made public  
11 by the department of health and family services. The department shall reimburse  
12 coroners and medical examiners for the costs incurred in submitting reports and  
13 taking blood specimens and laboratories for the costs incurred in analyzing blood  
14 specimens under this section.

15 **SECTION 67.** 441.15 (1) (am) of the statutes is created to read:

16 441.15 (1) (am) "Physician" has the meaning given in s. 448.01 (5).

17 **SECTION 68.** 441.16 (6) of the statutes is amended to read:

18 441.16 (6) Nothing in this section prohibits a nurse from issuing a prescription  
19 order as an act delegated by a physician, as defined in s. 448.01 (5).

20 **SECTION 69.** 444.10 of the statutes is amended to read:

21 **444.10 Physician to examine contestants.** Prior to entering the ring, each  
22 contestant must be examined by a physician, as defined in s. 448.01 (5), who has been  
23 licensed to practice in Wisconsin not less than 5 years and who is appointed by the  
24 department and certifies in writing, over his or her signature, as to the contestant's  
25 physical and mental fitness to engage in such contest.

1           **SECTION 70.** 445.14 of the statutes is amended to read:

2           **445.14 Funeral directors; who to employ.** No public officer, employee or  
3 officer of any public institution, physician ~~or surgeon~~, as defined in s. 448.01 (5), shall  
4 send, or cause to be sent, to any funeral director, the corpse of any deceased person,  
5 without having first made due inquiry as to the desires of the next of kin, or any  
6 persons who may be chargeable with the funeral expenses of such deceased person,  
7 and if any such kin or person is found, his or her authority or direction shall be  
8 received as to the disposal of such corpse.

9           **SECTION 71.** 447.03 (3) (h) of the statutes is amended to read:

10           447.03 (3) (h) A physician ~~or surgeon licensed in this state~~, as defined in s.  
11 448.01 (5), who extracts teeth, or operates upon the palate or maxillary bones and  
12 investing tissues, or who administers anesthetics, either general or local.

13           **SECTION 72.** 449.01 (2) of the statutes is amended to read:

14           449.01 (2) DISPENSING OPTICIANS. A dispensing optician is one who practices  
15 optical dispensing. The practice of optical dispensing comprises the taking of  
16 necessary facial measurements and the processing, fitting and adjusting of  
17 mountings, frames, lenses and kindred products in the filling of prescriptions of ~~duly~~  
18 ~~licensed~~ physicians or optometrists for ophthalmic lenses. Duplications,  
19 replacements or reproductions not requiring optometric service may be done without  
20 prescription. Nothing herein contained shall change the responsibility of physician  
21 to patient, or optometrist to patient.

22           **SECTION 73.** 449.01 (5) of the statutes is created to read:

23           449.01 (5) PHYSICIAN. In this chapter, "physician" has the meaning given in s.  
24 448.01 (5).

25           **SECTION 74.** 449.02 (2) of the statutes is amended to read:

1           449.02 (2) This section shall not apply to physicians and surgeons duly licensed  
2   ~~as such in Wisconsin~~ nor shall this section apply to the sale of spectacles containing  
3   simple lenses of a plus power only at an established place of business incidental to  
4   other business conducted therein, without advertising other than price marking on  
5   the spectacles, if no attempt is made to test the eyes. The term “simple lens” shall  
6   not include bifocals.

7           **SECTION 75.** 450.01 (15m) of the statutes is created to read:

8           450.01 (15m) “Physician” has the meaning given in s. 448.01 (5).

9           **SECTION 76.** 450.01 (22) of the statutes is amended to read:

10          450.01 (22) “Vaccination protocol” means a written protocol agreed to by a  
11   physician, ~~as defined in s. 448.01 (5)~~, and a pharmacist that establishes procedures  
12   and record-keeping and reporting requirements for the administration of a vaccine  
13   by a pharmacist for a period specified in the protocol that may not exceed 2 years.

14          **SECTION 77.** 454.01 (14m) of the statutes is created to read:

15          454.01 (14m) “Physician” has the meaning given in s. 448.01 (5).

16          **SECTION 78.** 454.02 (1) of the statutes is amended to read:

17          454.02 (1) Licenses to practice barbering or cosmetology do not confer the right  
18   to diagnose, prescribe for or treat diseases or conditions except as indicated in the  
19   definition of barbering or cosmetology in s. 454.01 (5) or under the direction of a  
20   ~~licensed and practicing~~ physician.

21          **SECTION 79.** 459.035 of the statutes is amended to read:

22          **459.035 Medical exam before being fitted.** A hearing aid shall not be fitted  
23   for or sold to a child 16 years of age or younger unless within 90 days prior to the  
24   fitting the person to be fitted has been examined by a physician, as defined in s.

1     448.01 (5), to determine whether or not he or she has any physical deficiencies that  
2     would prohibit the effective use of a hearing aid.

3             **SECTION 80.** 632.68 (1) (am) of the statutes is created to read:

4             632.68 (1) (am) In this subsection, “physician” has the meaning given in s.  
5     448.01 (5).

6             **SECTION 81.** 632.835 (1) (cm) of the statutes is created to read:

7             632.835 (1) (cm) In this subsection, “physician” has the meaning given in s.  
8     448.01 (5).

9             **SECTION 82.** 632.853 of the statutes is amended to read:

10            **632.853 Coverage of drugs and devices.** A health care plan, as defined in  
11     s. 628.36 (2) (a) 1., or a self-insured health plan, as defined in s. 632.85 (1) (c), that  
12     provides coverage of only certain specified prescription drugs or devices shall develop  
13     a process through which a physician, as defined in s. 448.01 (5), may present medical  
14     evidence to obtain an individual patient exception for coverage of a prescription drug  
15     or device not routinely covered by the plan. The process shall include timelines for  
16     both urgent and nonurgent review.

17            **SECTION 83.** 632.89 (1) (eg) of the statutes is created to read:

18            632.89 (1) (eg) In this subsection, “physician” has the meaning given in s.  
19     448.01 (5).

20            **SECTION 84.** 765.03 (1) of the statutes is amended to read:

21            765.03 (1) No marriage shall be contracted while either of the parties has a  
22     husband or wife living, nor between persons who are nearer of kin than 2nd cousins  
23     except that marriage may be contracted between first cousins where the female has  
24     attained the age of 55 years or where either party, at the time of application for a  
25     marriage license, submits an affidavit signed by a physician, as defined in s. 448.01



1     (5), stating that either party is permanently sterile. Relationship under this section  
2     shall be computed by the rule of the civil law, whether the parties to the marriage are  
3     of the half or of the whole blood. A marriage may not be contracted if either party  
4     has such want of understanding as renders him or her incapable of assenting to  
5     marriage.

6           **SECTION 85.** 767.001 (5m) of the statutes is created to read:

7           767.001 (5m) “Physician” has the meaning given in s. 448.01 (5).

8           **SECTION 86.** 804.10 (1) of the statutes is renumbered 804.10 (1r).

9           **SECTION 87.** 804.10 (1g) of the statutes is created to read:

10          804.10 (1g) In this section, “physician” has the meaning given in s. 448.01 (5).

11          **SECTION 88.** 804.10 (3) (a) of the statutes is amended to read:

12          804.10 (3) (a) No evidence obtained by an adverse party by a court-ordered  
13          examination under sub. ~~(1)~~ (1r) or inspection under sub. (2) shall be admitted upon  
14          the trial by reference or otherwise unless true copies of all reports prepared pursuant  
15          to such examination or inspection and received by such adverse party have been  
16          delivered to the other party or attorney not later than 10 days after the reports are  
17          received by the adverse party. The party claiming damages shall deliver to the  
18          adverse party, in return for copies of reports based on court-ordered examination or  
19          inspection, a true copy of all reports of each person who has examined or treated the  
20          claimant with respect to the injuries for which damages are claimed.

21          **SECTION 89.** 880.33 (1) of the statutes is amended to read:

22          880.33 (1) Whenever it is proposed to appoint a guardian on the ground of  
23          incompetency, a licensed physician, as defined in s. 448.01 (5), or licensed  
24          psychologist, or both, shall furnish a written statement concerning the mental  
25          condition of the proposed ward, based upon examination. The privilege under s.

1 905.04 shall not apply to this statement. A copy of the statement shall be provided  
2 to the proposed ward, guardian ad litem and attorney. Prior to the examination,  
3 under this subsection, of a person alleged to be not competent to refuse psychotropic  
4 medication under s. 880.07 (1m), the person shall be informed that his or her  
5 statements may be used as a basis for a finding of incompetency and an order for  
6 protective services, including psychotropic medication. The person shall also be  
7 informed that he or she has a right to remain silent and that the examiner is required  
8 to report to the court even if the person remains silent. The issuance of such a  
9 warning to the person prior to each examination establishes a presumption that the  
10 person understands that he or she need not speak to the examiner.

11 **SECTION 90.** 880.33 (4m) (b) 1. of the statutes is amended to read:

12 880.33 (4m) (b) 1. Order the appropriate county department under s. 46.23,  
13 51.42 or 51.437 to develop or furnish, to provide to the ward, and to submit to the  
14 court, a treatment plan specifying the protective services, including psychotropic  
15 medication as ordered by the treating physician, as defined in s. 448.01 (5), that the  
16 proposed ward should receive.

17 **SECTION 91.** 891.09 (2) of the statutes is amended to read:

18 891.09 (2) CHURCH AND DOCTOR'S RECORDS. Any church, parish or baptismal  
19 record, and any record of a physician, as defined in s. 448.01 (5), or a person  
20 authorized to solemnize marriages, in which record are preserved the facts relating  
21 to any birth, stillbirth, fetal death, marriage or death, including the names of the  
22 persons, dates, places and other material facts, may be admitted as prima facie  
23 evidence of any fact aforesaid. But such record must be produced by its proper  
24 custodian and be supported by the custodian's oath that it is such a record as it  
25 purports to be and is genuine to the best of the custodian's knowledge and belief.

1           **SECTION 92.** 891.40 (1) of the statutes is amended to read:

2           891.40 (1) If, under the supervision of a licensed physician, as defined in s.  
3           448.01 (5), and with the consent of her husband, a wife is inseminated artificially  
4           with semen donated by a man not her husband, the husband of the mother at the time  
5           of the conception of the child shall be the natural father of a child conceived. The  
6           husband's consent must be in writing and signed by him and his wife. The physician  
7           shall certify their signatures and the date of the insemination, and shall file the  
8           husband's consent with the department of health and family services, where it shall  
9           be kept confidential and in a sealed file except as provided in s. 46.03 (7) (bm).  
10          However, the physician's failure to file the consent form does not affect the legal  
11          status of father and child. All papers and records pertaining to the insemination,  
12          whether part of the permanent record of a court or of a file held by the supervising  
13          physician or elsewhere, may be inspected only upon an order of the court for good  
14          cause shown.

15          **SECTION 93.** 891.40 (2) of the statutes is amended to read:

16          891.40 (2) The donor of semen provided to a licensed physician, as defined in  
17          s. 448.01 (5), for use in artificial insemination of a woman other than the donor's wife  
18          is not the natural father of a child conceived, bears no liability for the support of the  
19          child and has no parental rights with regard to the child.

20          **SECTION 94.** 938.02 (14g) of the statutes is created to read:

21          938.02 (14g) "Physician" has the meaning given in s. 448.01 (5).

22          **SECTION 95.** 938.48 (6) of the statutes is amended to read:

23          938.48 (6) Consent to emergency surgery under the direction of a licensed  
24          physician or surgeon for any juvenile under its supervision under s. 938.183, 938.34  
25          (4h), (4m) or (4n) or 938.357 (4) upon notification by a licensed physician or surgeon

1 of the need for such surgery and if reasonable effort, compatible with the nature and  
2 time limitation of the emergency, has been made to secure the consent of the  
3 juvenile's parent or guardian.

4 **SECTION 96.** 939.615 (6) (e) of the statutes is amended to read:

5 939.615 (6) (c) A person filing a petition requesting termination of lifetime  
6 supervision who is entitled to a hearing under par. (d) 2. shall be examined by a  
7 person who is either a physician, as defined in s. 448.01 (5), or a psychologist licensed  
8 under ch. 455 and who is approved by the court. The physician or psychologist who  
9 conducts an examination under this paragraph shall prepare a report of his or her  
10 examination that includes his or her opinion of whether the person petitioning for  
11 termination of lifetime supervision is a danger to public. The physician or  
12 psychologist shall file the report of his or her examination with the court within 60  
13 days after completing the examination, and the court shall provide copies of the  
14 report to the person filing the petition and the district attorney who received a copy  
15 of the person's petition under par. (c). The contents of the report shall be confidential  
16 until the physician or psychologist testifies at a hearing under par. (f). The person  
17 petitioning for termination of lifetime supervision shall pay the cost of an  
18 examination required under this paragraph.

19 **SECTION 97.** 940.001 of the statutes is created to read:

20 **940.001 Definition.** In this subchapter, "physician" has the meaning given  
21 in s. 448.01 (5).

22 **SECTION 98.** 941.315 (1) (c) of the statutes is created to read:

23 941.315 (1) (c) "Physician" has the meaning given in s. 448.01 (5).

24 **SECTION 99.** 948.01 (3o) of the statutes is created to read:

25 948.01 (3o) "Physician" has the meaning given in s. 448.01 (5).

1           **SECTION 100.** 948.70 (1) (intro.) and (b) of the statutes are consolidated,  
2           renumbered 948.70 (1) and amended to read:

3           948.70 (1) In this section: ~~(b) “Tattoo”,~~ “tattoo” means to insert pigment under  
4           the surface of the skin of a person, by pricking with a needle or otherwise, so as to  
5           produce an indelible mark or figure through the skin.

6           **SECTION 101.** 948.70 (1) (a) of the statutes is repealed.

7           **SECTION 102.** 967.02 (2) of the statutes is amended to read:

8           967.02 (2) “Department” means the department of corrections, except as  
9           provided in s. 975.001 (1).

10          **SECTION 103.** 968.255 (3) of the statutes is amended to read:

11          968.255 (3) No person other than a physician, as defined in s. 448.01 (5),  
12          physician assistant or registered nurse licensed to practice in this state may conduct  
13          a body cavity search.

14          **SECTION 104.** 971.14 (2) (g) of the statutes is amended to read:

15          971.14 (2) (g) The defendant may be examined for competency purposes at any  
16          stage of the competency proceedings by physicians, as defined in s. 448.01 (5), or  
17          other experts chosen by the defendant or by the district attorney, who shall be  
18          permitted reasonable access to the defendant for purposes of the examination.

19          **SECTION 105.** 971.14 (5) (am) of the statutes is amended to read:

20          971.14 (5) (am) If the defendant is not subject to a court order determining the  
21          defendant to be not competent to refuse medication or treatment for the defendant’s  
22          mental condition and if the treatment facility determines that the defendant should  
23          be subject to such a court order, the treatment facility may file with the court with  
24          notice to the counsel for the defendant, the defendant and the district attorney, a  
25          motion for a hearing, under the standard specified in sub. (3) (dm), on whether the

1 defendant is not competent to refuse medication or treatment. A report on which the  
2 motion is based shall accompany the motion and notice of motion and shall include  
3 a statement signed by a licensed physician, as defined in s. 448.01 (5), that asserts  
4 that the defendant needs medication or treatment and that the defendant is not  
5 competent to refuse medication or treatment, based on an examination of the  
6 defendant by such a licensed physician. Within 10 days after a motion is filed under  
7 this paragraph, the court shall, under the procedures and standards specified in sub.  
8 (4) (b), determine the defendant's competency to refuse medication or treatment for  
9 the defendant's mental condition. At the request of the defendant, the defendant's  
10 counsel or the district attorney, the hearing may be postponed, but in no case may  
11 the postponed hearing be held more than 20 days after a motion is filed under this  
12 paragraph.

13 **SECTION 106.** 975.001 of the statutes is renumbered 975.001 (intro.) and  
14 amended to read:

15 **975.001 Definition Definitions.** (intro.) In this chapter, ~~"department"~~:

16 **(1) "Department"** means the department of health and family services.

17 **SECTION 107.** 975.001 (2) of the statutes is created to read:

18 975.001 (2) "Physician" has the meaning given in s. 448.01 (5).

19 **SECTION 108.** 979.001 of the statutes is created to read:

20 **979.001 Definition.** In this section "physician" has the meaning given in s.  
21 448.01 (5).

22 **SECTION 109.** 990.01 (25v) of the statutes is created to read:

23 990.01 (25v) **OSTEOPATH.** "Osteopath" means a person holding a license or  
24 certificate of registration from the medical examining board.

25 **SECTION 110.** 990.01 (28) of the statutes is amended to read:

990.01 (28) ~~PHYSICIAN, SURGEON OR OSTEOPATH.~~ “Physician,” ~~“surgeon” or~~  
~~“osteopath”~~ or “licensed physician” means a person holding a license or certificate of  
 registration from the medical examining board or chiropractic examining board.

**SECTION 111.** 990.01 (40m) of the statutes is created to read:

990.01 (40m) SURGEON. "Surgeon" means a person holding a license or certificate of registration from the medical examining board.

**(END)**